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THE

WORKS

OF

CHARLES SUMNER.

Veniet fortasse aliud tempus, dignius nostro, quo, debellatis odiis, veritas triumphabit. Hoc mecum opta, lector, et vale.

LEIBNITZ.

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THE ONE MAN POWER *vs.* CONGRESS.

THE PRESENT SITUATION.

ADDRESS AT THE OPENING OF THE ANNUAL LECTURES OF THE PARKER FRATERNITY, AT THE MUSIC HALL, BOSTON, OCTOBER 2, 1866.

ADDRESS.

MR. PRESIDENT, — More than a year has passed since I last had the honor of addressing my fellow-citizens of Massachusetts. I then dwelt on what seemed the proper policy towards the States recently in rebellion, — insisting that it was our duty, while renouncing Indemnity for the past, to obtain at least Security for the future; and this security, I maintained, could be found only in exclusion of ex-Rebels from political power, and in irreversible guaranties especially applicable to the national creditor and the national freedman.[1] During intervening months, the country has been agitated by this question, which was perplexed by unexpected difference between the President and Congress. The President insists upon installing ex-Rebels in political power, and sets at nought the claim of guaranties and the idea of security for the future, while he denies to Congress any control over the question, taking it all to himself. Congress asserts control, and endeavors to exclude ex-Rebels from political power and establish guaranties, to the end that there may be security for the future. Meanwhile the States recently in rebellion, with the exception of Tennessee, are without representation. Thus stands the case.

[1] Speech at the Republican State Convention, September 14, 1865: *Ante*, Vol. IX. pp. 437, seqq.

The two parties are the President, on the one side, and the people of the United States in Congress assembled, on the other side, — the first representing the Executive, the second representing the Legislative. It is *The One Man Power* vs. *Congress.* Of course, each performs its part in the government; but until now it has always been supposed that the legislative gave law to the executive, and not that the executive gave law to the legislative. This irrational assumption becomes more astonishing, when it is considered that the actual President, besides being the creature of circumstance, is inferior in ability and character, while the House of Representatives is eminent in both respects. A President who has already sunk below any other President, even James Buchanan, madly undertakes to rule a House of Representatives which there is reason to believe is the best that has sat since the formation of the Constitution. Looking at the two parties, we are tempted to exclaim, Such a President dictating to such a Congress! It was said of Gustavus Adolphus, that he drilled the Diet of Sweden to vote or be silent at the word of command; but Andrew Johnson is not Gustavus Adolphus, and the American Congress is not the Diet of Sweden.

The question at issue is one of the vastest ever presented for practical decision, involving the name and weal of the Republic at home and abroad. It is not a military question; it is a question of statesmanship. We are to secure by counsel what was won by war. Failure now will make the war itself a failure; surrender now will undo all our victories. Let the President prevail, and straightway the plighted faith of the

Republic will be broken, — the national creditor and the national freedman will be sacrificed, — the Rebellion itself will flaunt its insulting power, — the whole country, in length and breadth, will be disturbed, — and the Rebel region will be handed over to misrule and anarchy. Let Congress prevail, and all this will be reversed: the plighted faith of the Republic will be preserved; the national creditor and the national freedman will be protected; the Rebellion itself will be trampled out forever; the whole country, in length and breadth, will be at peace; and the Rebel region, no longer harassed by controversy and degraded by injustice, will enjoy the richest fruits of security and reconciliation. To labor for this cause may well tempt the young and rejoice the old.

And now, to-day, I again protest against any present admission of ex-Rebels to the great partnership of this Republic, and I renew the claim of irreversible guaranties, especially applicable to the national creditor and the national freedman, — insisting now, as I did a year ago, that it is our duty, while renouncing Indemnity for the past, to obtain at least Security for the future. At the close of a terrible war, wasting our treasure, murdering our fellow-citizens, filling the land with funerals, maiming and wounding multitudes whom Death had spared, and breaking up the very foundations of peace, our first duty is to provide safeguards for the future. This can be only by provisions, sure, fundamental, and irrepealable, fixing forever the results of the war, the obligations of the Government, and the equal rights of all. Such is the suggestion of common prudence and of self-defence, as well as of common honesty. To this end we must make haste slowly.

States which precipitated themselves out of Congress must not be permitted to precipitate themselves back. They must not enter the Halls they treasonably deserted, until we have every reasonable assurance of future good conduct. We must not admit them, and then repent our folly. The verses in which the satirist renders the quaint conceit of the old Parliamentary orator, verses revived by Mr. Webster, and on another occasion used by myself, furnish the key to our duty:—

> "I hear a lion in the lobby roar:
> Say, Mr. Speaker, shall we shut the door,
> And keep him there? or shall we let him in,
> To try if we can turn him out again?" [1]

I am against letting the monster in, until he is no longer terrible in mouth or paw.

But, while holding this ground of prudence, I desire to disclaim every sentiment of vengeance or punishment, and also every thought of delay or procrastination. Here I do not yield to the President, or to any other person. Nobody more anxious than I to see this chasm closed forever.

There is a long way and a short way. There is a long time and a short time. If there be any whose policy is for the longest way or for the longest time, I am not of the number. I am for the shortest way, and also for the shortest time. And I object to the interference of the President, because, whether intentionally or unintentionally, he interposes delay and keeps the chasm open. More than all others, the President, by officious assumptions, has lengthened the way and lengthened the time. Of this there can be no doubt.

[1] Bramston, Art of Politics, 162–165. See, *ante*, Vol. VI. p. 350.

From all quarters we learn that after the surrender of Lee the Rebels were ready for any terms, if they could escape with life. They were vanquished, and they knew it. The Rebellion was crushed, and they knew it. They hardly expected to save a small fraction of property. They did not expect to save political power. They were too sensible not to see that participants in rebellion could not pass at once into the copartnership of government. They made up their minds to exclusion. They were submissive. There was nothing they would not do, *even to the extent of enfranchising the freedmen and providing for them homesteads.* Had the National Government taken advantage of this plastic condition, it might have stamped Equal Rights upon the whole people, as upon molten wax, while it fixed the immutable conditions of permanent peace. The question of Reconstruction would have been settled before it arose. It is sad to think that this was not done. Perhaps in all history there is no instance of such an opportunity lost. Truly should our country say in penitential supplication, "We have left undone those things which we ought to have done, and we have done those things which we ought not to have done."

Do not take this on my authority. Listen to those on the spot, who have seen with their own eyes. A brave officer of our army writes from Alabama: —

"I believe the mass of the people could have been easily controlled, if none of the excepted classes had received pardon. These classes did not expect anything more than life, and even feared for that. Let me condense the whole subject. At the surrender, the South could have been moulded at will; but it is now as stiff-necked and rebellious as ever."

In the same vein another officer testifies from Texas:—

"There is one thing, however, that is making against the speedy return of quietness, not only in this State, but throughout the entire South, *and that is the Reconstruction policy of President Johnson.* It is doing more to unsettle this country than people who are not practical observers of its workings have any idea of. Before this policy was made known, the people were prepared to accept anything. They expected to be treated as rebels, — their leaders being punished, and the property of others confiscated. But the moment it was made known, all their assurance returned. Rebels have again become arrogant and exacting; Treason stalks through the land unabashed."

This testimony might be multiplied indefinitely. From city and country, from highway and by-way, there is but one voice. When, therefore, the President, in opprobrious terms, complains of Congress as interposing delay, I reply to him: "No, Sir, it is you, who, by unexpected and most perverse assumption, have put off the glad day of security and reconciliation, so much longed for. It is you who have inaugurated anew that malignant sectionalism, which, so long as it exists, will keep the Union divided in fact, if not in name. Sir, you are the Disunionist."

Glance, if you please, at that Presidential policy — so constantly called "my policy" — now so vehemently pressed upon the country, and you will find that it pivots on at least two alarming blunders, as can be easily seen: *first,* in setting up the One Man Power as the source of jurisdiction over this great question; and, *secondly,* in using the One Man Power for the restoration of Rebels to place and influence, so that

good Unionists, whether white or black, are rejected, and the Rebellion itself is revived in the new governments. Each of these assumptions is an enormous blunder. You see that I use a mild term to characterize such a double-headed usurpation.

Pray, Sir, where in the Constitution do you find any sanction of the One Man Power as source of this extraordinary jurisdiction? I had always supposed that the President was the Executive,—bound to see the laws faithfully executed, but not empowered to make laws. The Constitution expressly says: "The Executive power shall be vested in a President of the United States of America." But the Legislative power is elsewhere. According to the Constitution, "All Legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." And yet the President has assumed legislative power, even to the extent of making laws and constitutions for States. You all know, that, at the close of the war, when the Rebel States were without lawful governments, he assumed to supply them. In this business of Reconstruction he assumed to determine who should vote, and also to affix conditions for adoption by the conventions. Look, if you please, at the character of this assumption. The President, from the Executive Mansion at Washington, reaches his long executive arm into certain States and dictates constitutions. Surely here is nothing executive; it is not even military. It is legislative, pure and simple, and nothing else. It is an attempt by the One Man Power to do what can be done only by the legislative branch of Government.

And yet the President, perversely absorbing to himself all power over the reconstruction of the Rebel States, insists that Congress must accept his work without addition or subtraction. He can impose conditions: Congress cannot. He can determine who shall vote: Congress cannot. His jurisdiction is not only complete, but exclusive. If all this be so, then has our President a most extraordinary power, never before dreamed of. He may exclaim, with Louis the Fourteenth, "The State, it is I," while, like this magnificent king, he sacrifices the innocent, and repeats that fatal crime, the revocation of the Edict of Nantes. His whole "policy" is "revocation" of all that has been promised and all we have a right to expect.

Here it is well to note a distinction, not without importance in the issue between the President and Congress. Nobody doubts that the President may, during war, govern any conquered territory as commander-in-chief, and for this purpose detail any military officer as military governor. But it is one thing to govern a State temporarily by military power, and quite another thing to create a constitution for a State which shall continue *when the military power has expired.* The former is a military act, and belongs to the President; the latter is a civil act, and belongs to Congress. On this distinction I stand; and this is not the first time that I have asserted it. Of course, governments set up in this illegitimate way are necessarily illegitimate, except so far as they acquire validity from time or subsequent recognition. It needs no learned Chief Justice of North Carolina solemnly to declare this. It is manifest from the nature of the case.

But this illegitimacy becomes still more manifest,

when it is known that the constitutions which the President orders and tries to cram upon Congress have never been submitted to popular vote. Each is the naked offspring of an illegitimate convention called into being by the President, in the exercise of illegitimate power.

There is another provision of the Constitution, by which, according to a judgment of the Supreme Court of the United States, this question is referred to Congress, and not to the President. I refer to the provision that "*the United States* shall guaranty to every State in this Union a republican form of government." On these words Chief Justice Taney, speaking for the Supreme Court, has adjudged, that "it rests with Congress to decide what government is the established one in a State; for, as *the United States* guaranty to each State a republican government, *Congress must necessarily decide what government is established in the State*, before it can determine whether it is republican or not"; and that "unquestionably a military government established as the permanent government of the State would not be a republican government, and it would be the duty of Congress to overthrow it."[1] But the President sets at nought this commanding text, reinforced by the positive judgment of the Supreme Court, and claims this extraordinary power for himself, to the exclusion of Congress. He is "the United States." In him the Republic is manifest. He can do all; Congress nothing.

And now the whole country is summoned by the President to recognize State governments created by constitutions thus illegitimate in origin and character. Without considering if they contain the proper ele-

[1] Luther *v.* Borden et al., 7 Howard, R., 42, 45.

ments of security for the future, or if they are republican in form, and without any inquiry into the validity of their adoption, — nay, in the very face of testimony showing that they contain no elements of security for the future, that they are not republican in form, and that they have never been adopted by the loyal people, — we are commanded to accept them; and when we hesitate, the President, himself leading the outcry, assails us with angry vituperation, blunted, it must be confessed, by coarseness without precedent and without bound. It is well that such a cause has such an advocate.

Thus setting up the One Man Power as a source of jurisdiction, the President has committed a blunder of Constitutional Law, proceeding from an immense egotism, in which the little pronoun "I" plays a gigantic part. It is "*I*" vs. *The People of the United States in Congress assembled.* On this unnatural blunder I might say more; but I have said enough. My present purpose is accomplished, if I make you see it clearly.

The other blunder is of a different character. It is giving present power to ex-Rebels, at the expense of constant Unionists, white or black, and employing them in the work of Reconstruction, so that the new governments continue to represent the Rebellion. This same blunder, when committed by one of the heroes of the war, was promptly overruled by the President himself; but Andrew Johnson now does what Sherman was not allowed to do. The blunder is strange and unaccountable.

Here the evidence is constant and cumulative. It

begins with his proclamation for the reconstruction of North Carolina. Holden was appointed Provisional Governor, — an officer unknown to law, and for whom there was no provision, — although it was notorious that he had been a member of the Convention which adopted the Act of Secession, and that he signed it. Then came Perry, Provisional Governor of South Carolina, who, besides holding a judicial station under the Rebel Government, was one of its Commissioners of Impressments. I have a Rebel newspaper containing one of his advertisements in the latter character. There also was Parsons, Provisional Governor of Alabama, who in 1863 introduced into the Legislature of that State formal resolutions tendering to Jefferson Davis "hearty thanks for his good labors in the cause of our common country, together with the assurance of continued support," — and afterwards, in 1864, denounced our national debt, exclaiming in the Legislature: "Does any sane man suppose we will consent to pay their [the United States] war debt, contracted in sending armies and navies to burn our towns and cities, to lay waste our country, — whose soldiers have robbed and murdered our peaceful inhabitants?" Such were the agents appointed by the President to institute loyal governments. But this selection becomes more strange and unaccountable, when it is considered that all this was done in defiance of law.

There is a recent enactment of Congress requiring that no person shall be appointed to any office of the United States, unless such office has been created by law.[1] And there is another enactment of Congress, providing that all officers, civil or military, before entering

[1] Act, February 9, 1863: Statutes at Large, Vol. XII. p. 646.

upon their official duties or receiving any salary or compensation, shall take an oath declaring that they have held no office under the Rebellion or given any aid thereto.[1] In face of these enactments, which are sufficiently explicit, the President began his work of Reconstruction by appointing civilians to an office absolutely unknown to law, when besides they could not take the required oath of office; and to complete the disregard of Congress, he fixed their salary, and paid it out of the funds of the War Department.

Of course such proceeding was an instant encouragement and license to all ex-Rebels, no matter how much blood was on their hands. Rebellion was at a premium. It was easy to see, that, if these men were good enough to be governors of States, in defiance of Congress, all others in the same political predicament would be good enough for inferior offices. And it was so. From top to bottom these States were organized by men who had been warring on their country. Ex-Rebels were appointed by the governors or chosen by the people everywhere. Ex-Rebels sat in Conventions and in Legislatures. Ex-Rebels became judges, justices of the peace, sheriffs, and everything else, — while the faithful Unionist, white or black, was rejected. As with Cordelia, his love was "according to his bond, nor more nor less"; but all this was of no avail. How often during the war have I pleaded for such patriots, and urged to every effort for their redemption! — and now, when our arms have prevailed, it is they who are cast down, while the enemies of the Republic are exalted. The pirate Semmes returns from his ocean cruise to be chosen Probate Judge, — leaping from the

[1] Act, July 2, 1862: Statutes at Large, Vol. XII. p. 502.

deck of the Ship Alabama to the judicial bench of the State Alabama. In New Orleans the Rebel mayor at the surrender to the national flag is once more mayor, and employs his regained power in the terrible massacre which rises in judgment against the Presidential policy. Persons are returned to Congress whose service in the Rebellion makes it impossible for them to take the oath of office, — as in the case of Georgia, which selects as Senators Herschel V. Johnson, a Senator of the Rebel Congress, and Alexander H. Stephens, Vice-President of the Rebellion. These are instances; but from these learn all.

There is nothing within reach of the President which he has not lavished on ex-Rebels. The power of pardon and amnesty, like the power of appointment, has been used for them, wholesale and retail. It would have been easy to affix a condition to every pardon, requiring, that, before it took effect, the recipient should carve out of his estate a homestead for every one of his freedmen, and thus secure to each what they all covet so much, a piece of land. But the President did no such thing, although, in the words of the old writ, "often requested so to do." Such a condition would have helped the loyal freedmen, rather than the rebel master. In the same spirit, while undertaking to determine who shall be voters, all colored persons, howsoever loyal, were disfranchised, while all white persons, except certain specified classes, although black with rebellion, were constituted voters on taking a simple oath of allegiance, thus investing ex-Rebels with a prevailing power.

Partisans of the Presidential "policy" are in the habit of declaring it a continuation of the policy of

the martyred Lincoln. This is a mistake. Would that he could rise from his bloody shroud to repel the calumny! Happily, he has left his testimony behind, in words which all who have ears to hear can hear. The martyr presented the truth bodily, when he said, in suggestive metaphor, that we must "build up from the sound materials"; but his successor insists upon building from materials rotten with treason and gaping with rebellion. On another occasion, the martyr said that "an attempt to guaranty and protect a *revived* State government, constructed in whole or *in preponderating part* from *the very element* against whose hostility and violence it is to be protected, is *simply absurd.*"[1] But this is the very thing the President is now attempting. He is constructing State governments, not merely in preponderating part, but *in whole,* from the hostile element. Therefore he departs openly from the policy of the martyred Lincoln.

The martyr says to his successor that the policy adopted is "simply absurd." He is right, although he might say more. Its absurdity is too apparent. It is as if, in abolishing the Inquisition, the inquisitors had been continued under another name, and Torquemada had received a fresh license for cruelty. It is as if King William, after the overthrow of James the Second, had made the infamous Jeffreys Lord Chancellor. Common sense and common justice cry out against the outrage; and yet this is the Presidential "policy" now so passionately commended to the American people.

A state, according to Aristotle, is a "copartnership," and I accept the term as especially applicable to our government. And now the President, in the exer-

[1] Annual Message, December 8, 1863.

cise of the One Man Power, decrees that communities lately in rebellion shall be taken at once into our "copartnership." I object to the decree as dangerous to the Republic. I am not against pardon, clemency, or magnanimity, except where they are at the expense of good men. I trust that they will always be practised; but I insist that recent rebels shall not be admitted, without proper precautions, to the business of the firm. And I insist also that the One Man Power shall not be employed to force them into the firm.

Such are two pivotal blunders. It is not easy to see how he has fallen into these, so strong were his early professions the other way. The powers of Congress he had distinctly admitted. Thus, as early as 24th July, 1865, he had sent to Sharkey, acting by his appointment as Provisional Governor of Mississippi, this despatch: "It must, however, be distinctly understood that the restoration to which your proclamation refers *will be subject to the will of Congress.*" Nothing could be more positive. And he was equally positive against the restoration of Rebels to power. You do not forget, that, in accepting his nomination as Vice-President, he rushed forward to declare that the Rebel States must be remodelled, that confiscation must be enforced, and that Rebels must be excluded from the work of Reconstruction. His language was plain and unmistakable. Announcing that "government must be fixed on the principles of *eternal justice,*" he declared, that, "if the man who gave his influence and his means to destroy the Government should be permitted to participate in the great work of reorganization, then all the precious

blood so freely poured out will have been wantonly spilled, and all our victories go for nought." True, very true. Then, in words of surpassing energy, he cried out, that "the great plantations must be seized and divided into small farms," and that "traitors should take a back seat in the work of restoration." Perhaps the true rule was never expressed with more homely and vital force than in this last saying, often repeated in different forms, "For Rebels, back seats." Add that other saying, as often repeated, "Treason must be made odious," and you have two great principles of just reconstruction, once proclaimed by the President, but now practically disowned by him.

You will ask how the President fell. This is hard to say, certainly, without much plainness of speech. Mr. Seward openly confesses that he counselled the present fatal "policy." Unquestionably the Blairs, father and son, did the same. So also, I doubt not, did Mr. Preston King. It is easy to see that Mr. Seward was not a wise counsellor. This is not his first costly blunder. In formal despatches he early announced that "the rights of the States, and the condition of every human being in them, will remain subject to exactly the same laws and forms of administration, whether the revolution shall succeed or whether it shall fail."[1] And now he labors for the fulfilment of his own prophecy. Obviously, from the beginning, he has failed to comprehend the Rebellion, while in nature he is abnormal and eccentric, jumping like the knight on the chess-board, rather than moving on straight lines. Undoubtedly

[1] Mr. Seward to Mr. Dayton, April 22, 1861: Executive Documents, 37th Cong. 2d Sess., Senate, No. I. p. 198.

the influence of such a man over the President has not been good. But the President himself is his own worst counsellor, as he is his own worst defender. He does not open his mouth without furnishing evidence against himself.

The brave words with which he accepted his nomination as Vice-President resounded through the country. He was elected. Then followed two scenes, each of which filled the people with despair. The first was of the new Vice-President taking the oath of office — in the presence of the foreign ministers, the judges of the Supreme Court, and the Senate — while in such a condition that his attempted speech became trivial and incoherent, and he did not know the name of the Secretary of the Navy, who is now the devoted supporter of his policy, as he has been his recent travelling companion. One month and one week thereafter President Lincoln was assassinated. The people, wrapt in affliction at the great tragedy, trembled as they beheld a drunken man ascend the heights of power. But they were generous and forgiving, — almost forgetful. He was our President, and hands were outstretched to welcome and sustain him. His early utterances as President, although commonplace, loose, and wordy, gave assurance that the Rebellion and its authors would find little favor. Treason was to be made odious.

At this time my own personal relations with him commenced. I had known him slightly while he was in the Senate; but I lost no time in seeing him after he became President. He received me kindly. I hope that I shall not err, if I allude briefly to what passed between us. You are my constituents, and I wish you

to know the Presidential mood at that time, and also what your representative attempted.

Being in Washington during the first month of the new Administration, destined to fill such an unhappy place in history, I saw the President frequently, at the private house he then occupied, or at his office in the Treasury. He had not yet taken possession of the Executive Mansion. The constant topic was "Reconstruction," which was considered in every variety of aspect. More than once I ventured to press the duty and renown of carrying out the principles of the Declaration of Independence, and of founding the new governments on the consent of the governed, without distinction of color. To this earnest appeal he replied, as I sat with him alone, in words which I can never forget: "On this question, Mr. Sumner, there is no difference between us; you and I are alike." Need I say that I was touched to the heart by this annunciation, which seemed to promise a victory without a battle? Accustomed to controversy, I saw clearly, that, if the President declared himself for the Equal Rights of All, the good cause must prevail without controversy. Expressing to him my joy and gratitude, I remarked that there should be no division in the great Union party, — that no line should be run through it, on one side of which would be gentlemen calling themselves "the President's friends," but we should be kept all together as one seamless garment. To this he promptly replied, "I mean to keep you all together." Nothing could be better. We were to be kept all together on the principle of Equal Rights. As I walked away, that evening, the battle of my life seemed ended, while the Republic rose before me, refulgent in the blaze of assured freedom, an example to the nations.

On another occasion, during the same period, the case of Tennessee was discussed. I expressed the earnest hope that the President would use his influence directly for the establishment of impartial suffrage in that State, saying that in this way Tennessee would be put at the head of the returning column and be made an example, — in one word, that all the other States would be obliged to dress on Tennessee. The President replied, that, if he were at Nashville, he would see this accomplished. I could not help rejoining, that he need not be at Nashville, for at Washington his hand was on the long end of the lever with which he could easily move all Tennessee, — referring, of course, to the powerful, but legitimate, influence the President might exercise in his own State by the expression of his desires. Let me confess that his hesitation disturbed me; but I attributed it to unnecessary caution, rather than to infidelity. He had been so positive with me, how could I suspect him?

At other times the conversation was renewed. Such was my interest in the question, that I could not see the President without introducing it. As I was about to return home, I said that I desired, even at the risk of repetition, to make some parting suggestions on the constant topic, and that, with his permission, I would proceed point by point, as was the habit of the pulpit in former days. He smiled, and observed pleasantly, "Have I not always listened to you?" I replied, "You have; and I am grateful." After remarking that the Rebel region was still in military occupation, and that it was the plain duty of the President to use his temporary power for the establishment of correct principles, I proceeded to say: "First, see to it that no news-

paper is allowed which is not thoroughly loyal, and does not speak well of the National Government and of Equal Rights"; and here I reminded him of the saying of the Duke of Wellington, that in a place under martial law an unlicensed press is as impossible as on the deck of a ship of war. "Secondly, let the officers that you send, as military governors or otherwise, be known for devotion to Equal Rights, so that their names alone will be a proclamation, while their simple presence will help educate the people"; and here I mentioned Major-General Carl Schurz, who still held his commission in the army, as such a person. "Thirdly, encourage the population to resume the profitable labors of agriculture, commerce, and manufactures without delay, — but for the present to avoid politics. Fourthly, keep the whole region under these good influences, and at the proper moment hand over the subject of Reconstruction, with the great question of Equal Rights, to the judgment of Congress, where it belongs." All this the President received with perfect kindness, and I mention this with the more readiness because I remember to have seen in the papers a very different statement.

Only a short time afterwards there was a change, which seemed like a somersault or an apostasy; and then ensued a strange sight. Instead of faithful Unionists, recent Rebels thronged the Presidential antechambers, rejoicing in new-found favor. They made speeches at the President, and he made speeches at them. A mutual sympathy was manifest. On one occasion the President announced himself a "Southern man" with "Southern sympathies," thus quickening that sectional flame which good men hoped to see

quenched forever. Alas! if, after all our terrible sacrifices, we are still to have a President who does not know how to spurn every sectional appeal and make himself representative of all! Unhappily, whatever the President said or did was sectional. He showed himself constantly a sectionalist. Instead of telling the ex-Rebels who thronged the Presidential antechambers, as he should have done, that he was their friend, that he wished them well from the bottom of his heart, that he longed to see their fields yield an increase, with peace in all their borders, and that, to this end, he counselled them to pursue agriculture, commerce, and manufactures, and for the present to say nothing about politics, — instead of this, he sent them away talking and thinking of nothing but politics, and frantic for the reëstablishment of a sectional power. Instead of designating officers of the army as military governors, which I had supposed he would do, he appointed ex-Rebels, who could not take the oath required by Congress of all officers of the United States, and they in turn appointed ex-Rebels to office under them; so that participation in the Rebellion found reward, and treason, instead of being made odious, became the passport to power. Everywhere ex-Rebels came out of hiding-places. They walked the streets defiantly, and asserted their old domination. Under auspices of the President, a new campaign was planned against the Republic, and they who failed in open war now sought to enter the very citadel of political power. Victory, purchased by so much loyal blood and treasure, was little better than a cipher. Slavery itself revived in the spirit of Caste. Faithful men who had been trampled down by the Rebellion were trampled down still more

by these Presidential governments. For the Unionist there was no liberty of the press or liberty of speech, and the lawlessness of Slavery began to rage anew.

Every day brought tidings that the Rebellion was reappearing in its essential essence. Amidst all professions of submission, there was immitigable hate to the National Government, and prevailing injustice to the freedman. This was last autumn. I was then in Boston. Moved by desire to arrest this fatal tendency, I appealed by letter to members of the Cabinet, entreating them to stand firm against a "policy" which promised nothing but disaster. As soon as the elections were over, I appealed directly to the President himself, by a telegraphic despatch, as follows:—

"BOSTON, November 12, 1865.

"TO THE PRESIDENT OF THE UNITED STATES, WASHINGTON.

"As a faithful friend and supporter of your administration, I most respectfully petition you to suspend for the present your policy towards the Rebel States. I should not present this prayer, if I were not painfully convinced that thus far it has failed to obtain any reasonable guaranties for that security in the future which is essential to peace and reconciliation. To my mind, it abandons the freedmen to the control of their ancient masters, and leaves the national debt exposed to repudiation by returning Rebels. The Declaration of Independence asserts the equality of all men, and that rightful government can be founded only on the consent of the governed. I see small chance of peace, unless these great principles are practically established. Without this, the house will continue divided against itself.

"CHARLES SUMNER,

"*Senator of the United States.*"

Reaching Washington Saturday evening, immediately

before the opening of the last session of Congress, I lost no time in seeing the President. I was with him that evening three hours. I found him changed in temper and purpose. How unlike that President who, only a few days after arrival at power, made me feel so happy in the assurance of agreement on the great question! No longer sympathetic, or even kindly, he was harsh, petulant, and unreasonable. Plainly, his heart was with ex-Rebels. For the Unionist, white or black, who had borne the burden of the day, he had little feeling. He would not see the bad spirit of the Rebel States, and insisted that the outrages there were insufficient to justify exclusion from Congress. The following dialogue ensued.

THE PRESIDENT. Are there no murders in Massachusetts?

MR. SUMNER. Unhappily, yes, — sometimes.

THE PRESIDENT. Are there no assaults in Boston? Do not men there sometimes knock each other down, so that the police is obliged to interfere?

MR. SUMNER. Unhappily, yes.

THE PRESIDENT. Would you consent that Massachusetts, on this account, should be excluded from Congress?

MR. SUMNER. No, Mr. President, I would not.

And here I stopped, without remarking on the entire irrelevancy of the inquiry. I left the President that night with the painful conviction that his whole soul was set as flint against the good cause, and that by the assassination of Abraham Lincoln the Rebellion had vaulted into the Presidential chair. Jefferson Davis was then in the casemates at Fortress Monroe, but Andrew Johnson was doing his work.

> "Ah! what avails it, ...
> If the gulled conqueror receives the chain,
> And flattery subdues, when arms are vain?"

From this time forward I was not in doubt as to his "policy," which asserted a condition of things in the Rebel region inconsistent with the terrible truth. It was, therefore, natural that I should characterize one of his messages, covering over the enormities there, as "whitewashing." This mild term was thought by some too strong. Subsequent events have shown that it was too weak. The whole Rebel region is little better than a "whited sepulchre." It is that saddest of all sepulchres, the sepulchre of Human Rights. The dead men's bones are the remains of faithful Union soldiers, dead on innumerable fields, or stifled in the pens of Andersonville and Belle Isle, — also of constant Unionists, white and black, whom we are sacredly bound to protect, now murdered on highways and by-ways, or slaughtered at Memphis and New Orleans. The uncleanness is injustice, wrong, and outrage, having a loathsome stench; and the President is engaged in "whiting" over these things, so that they shall not be seen by the American people. To do this, he garbles a despatch of Sheridan, and abuses the hospitality of the country by a travelling speech, where every word, not foolish, vulgar, and vindictive, is a vain attempt at "whitewashing."

Meanwhile the Presidential madness is more than ever manifest. It has shown itself in frantic effort to defeat the Constitutional Amendment proposed by Congress for adoption by the people. By this Amendment certain safeguards are established. Citizenship is defined, and protection is assured at least in what are called civil rights. The basis of representation is fixed on the number of voters, so that, if colored citizens are

not allowed to vote, they will not by their numbers contribute to representative power, and one voter in South Carolina will not be able to neutralize two voters in Massachusetts or Illinois. Ex-Rebels who had taken an oath to support the Constitution are excluded from office, National or State. The National debt is guarantied, while the Rebel debt and all claim for slaves are annulled. All these essential safeguards are rudely rejected by the President.

The madness that would set aside provisions so essentially just, whose only error is inadequacy, has broken forth naturally in brutal utterance, where he has charged persons by name with seeking his life, and has stimulated a mob against them. It is difficult to surpass the criminality of this act. The violence of the President has provoked violence. His words were dragon's teeth, which have sprung up armed men. Witness Memphis; witness New Orleans. Who can doubt that the President is author of these tragedies? Charles the Ninth of France was not more completely author of the Massacre of St. Bartholomew than Andrew Johnson is author of the recent massacres now crying out for judgment. History records that the guilty king was pursued in the silence of night by the imploring voices of murdered men, mingled with curses and imprecations, while ghosts stalked through his chamber, until he sweated blood from every pore; and when he came to die, his soul, wrung with the tortures of remorse, stammered out, "Ah, nurse, my good nurse! what blood! what murders! Oh, what bad counsels I followed! Lord God, pardon me! have mercy on me!" Like causes produce like effects. The blood at Memphis and New Orleans must cry out until

heard, and a guilty President may suffer the retribution which followed a guilty king.

The evil he has done already is on such a scale that it is impossible to measure it, unless as you measure an arc of the globe. I doubt if in all history there is any ruler who in the same brief space of time has done so much. There have been kings and emperors, proconsuls and satraps, who have exercised tyrannical power; but facilities of communication now lend swiftness and extension to all evil influences, so that the President is able to do in a year what in other days would have taken a life. Nor is the evil confined to any narrow spot. It is coextensive with the Republic. Next to Jefferson Davis stands Andrew Johnson as its worst enemy. The whole country has suffered; but the Rebel region has suffered most. He should have sent peace; instead, he sent a sword. Behold the consequences!

In support of a cruel "policy" he has not hesitated to use his enormous patronage. President Lincoln said, familiarly, that, as the people had continued him in office, he supposed they meant that others should be continued also; and he refused to make removals. But President Johnson announces "rotation in office"; and then, warming in anger against all failing to sustain his "policy," he roars that he will "kick them out." Men appointed by the martyred Lincoln are to be "kicked out" by the successor, while he pretends to sustain the policy of the martyr. The language of the President is most suggestive. He "kicks" the friends of his well-loved predecessor; and he also "kicks" the careful counsel of that well-loved predecessor, that we must "build up from the sound materials."

That I may give practical direction to these remarks, let me tell you plainly what must be done. In the first place, Congress must be sustained in its conflict with the One Man Power; and, in the second place, ex-Rebels must not be hurried back to power. Bearing in mind these two things, the way is easy. Of course, the Constitutional Amendment must be adopted. As far as it goes, it is well; but it does not go far enough. More is necessary. Impartial suffrage must be established. A homestead must be secured to every freedman, if in no other way, through the pardoning power. If to these is added education, there will be a new order of things, with liberty of the press, liberty of speech, and liberty of travel, so that Wendell Phillips may speak freely in Charleston or Mobile. There is an old English play under the name of "The Four P's." Our present desires may be symbolized by four E's,—standing for Emancipation, Enfranchisement, Equality, and Education. Securing these, all else will follow.

I can never cease to regret that Congress hesitated by proper legislation to assume temporary jurisdiction over the whole Rebel region. To my mind the power was ample and unquestionable, whether in the exercise of belligerent rights or in the exercise of rights directly from the Constitution itself. In this way everything needful might have been accomplished. Through this just jurisdiction the Rebel communities might have been fashioned anew, and shaped to loyalty and virtue. The President lost a great opportunity at the beginning. Congress has lost another. But it is not too late. If indisposed to assume this jurisdiction by an Enabling Act constituting provisional governments, there are many things Congress may do, acting indirectly or di-

rectly. Acting indirectly, it may insist that Emancipation, Enfranchisement, Equality, and Education shall be established as conditions precedent to the recognition of any State whose institutions have been overthrown by rebellion.[1] Acting directly, it may, by Constitutional Amendment, or by simple legislation, fix all these forever.

You are aware that from the beginning I have insisted upon Impartial Suffrage as the only certain guaranty of security and reconciliation. I renew this persistence, and mean to hold on to the end. Every argument, every principle, every sentiment is in its favor. But there is one reason which at this moment I place above all others: it is *the necessity of the case.* You require the votes of colored persons in the Rebel States to sustain the Union itself. Without their votes you cannot build securely for the future. Their ballots will be needed in time to come much more than their muskets were needed in time past. For the sake of the white Unionists, and for their protection, — for the sake of the Republic itself, whose peace is imperilled, I appeal for justice to the colored race. Give the ballot to the colored citizen, and he will be not only assured in his own rights, but the timely defender of yours. By a singular Providence your security is linked inseparably with the recognition of his rights. Deny him, if you will: it is at your peril.

But it is said, Leave this question to the States; and State rights are pleaded against the power of Congress. This has been the cry: at the beginning, to prevent ef-

[1] This was done in part. Mr. Sumner's efforts to make education a condition failed. See, *post*, pp. 124–136, 146–163.

fort against the Rebellion; and now, at the end, to prevent effort against a revival of the Rebellion. Whichsoever way we turn, we encounter the cry. But yielding now, you will commit the very error of President Buchanan, when at the beginning he declared that we could not "coerce" a State. Nobody now doubts that a State in rebellion may be "coerced"; and to my mind it is equally clear that a State just emerging from rebellion may be "coerced" to the condition required by the public peace.

There are powers of Congress, not derived from the Rebellion, which are adequate to this exigency; and now is the time to exercise them, and thus complete the work. It was the Nation that decreed Emancipation, and the Nation must see to it, by every obligation of honor and justice, that Emancipation is secured. It is not enough that Slavery is abolished in name. The Baltimore platform, on which President Johnson was elected, requires the "utter and complete *extirpation* of Slavery from the soil of the Republic"; but this can be accomplished only by the eradication of every inequality and caste, so that all shall be equal before the law.

Be taught by Russia. The Emperor there did not content himself with naked Emancipation. He followed this glorious act with minute provisions for rights of all kinds, — as, to hold property, to sue and testify in court, *to vote*, and *to enjoy the advantages of education*. All this by the same power which decreed Emancipation.

Be taught also by England, speaking by her most illustrious statesmen, who solemnly warn against trusting to any local authorities for justice to the colored race. I begin with Burke, who saw all questions with

the intuitions of the statesman, and expressed himself with the eloquence of the orator. Here are his words, uttered in 1792:—

"I have seen what has been done by the West Indian Assemblies [in reference to the improvement of the condition of the negro]. It is arrant trifling. They have done little; and what they have done is good for nothing,—*for it is totally destitute of an executory principle.*"[1]

Should we leave this question to the States, we, too, should find all they did "arrant trifling," and wanting "an executory principle."

Edmund Burke was followed shortly afterwards by Canning, who, in 1799, exclaimed:—

"There is something in the nature of the relation between the despot and his slave which must vitiate and render nugatory and null whatever laws the former might make for the benefit of the latter,—which, however speciously these laws might be framed, however well adapted they might appear to the evils which they were intended to alleviate, must infallibly be marred and defeated in the execution."[2]

Then again he says:—

"Trust not the masters of slaves in what concerns legislation for slavery. However specious their laws may appear, depend upon it, they must be ineffectual in their application. It is in the nature of things that they should be so. .... Their laws can never reach, will never cure the evil. .... There is something in the nature of absolute authority, in the relation between master and slave, which makes despotism, in all cases and under all circumstances, an incompetent and

[1] Letter to the Right Hon. Henry Dundas, April 9, 1792: Works (Boston, 1865-67), Vol. VI. p. 261.

[2] Speech in the House of Commons, on the Abolition of the Slave-Trade, March 1, 1799: Speeches (4th edit.), Vol. I. p. 192.

unsure executor even of its own provisions in favor of the objects of its power."[1]

The same testimony was repeated at a later day by Brougham, who, in one of his most remarkable speeches, while protesting against leaving to the colonies legislation for the freedmen, said, —

"I entirely concur in the observations of Mr. Burke, repeated and more happily expressed by Mr. Canning: that the masters of slaves are not to be trusted with making laws upon slavery; that nothing they do is ever found effectual; and that, if, by some miracle, they ever chance to enact a wholesome regulation, it is always found to want what Mr. Burke calls *the executory principle*, — it fails to execute itself."[2]

Such is the concurring authority of three statesmen orators, whose eloquent voices unite to warn against trusting the freedmen to their old masters.

Reason is in harmony with this authoritative testimony. It is not natural to suppose that people who have claimed property in their brethren, God's children, — who have indulged that "wild and guilty fantasy that man can hold property in man," — will become at once the kind and just legislators of freedmen. It is unnatural to expect it. Even if they have made up their minds to Emancipation, they are, from inveterate habit and prejudice, incapable of justice to the colored race. There is the President himself, who once charmed the country and the age by announcing himself the "Moses" of their redemption; and yet he now

[1] Speech in the House of Commons, on the Abolition of the Slave-Trade, March 1, 1799: Speeches (4th edit.), Vol. I. pp. 193, 194.

[2] Speech in the House of Lords, on Negro Apprenticeship, February 20, 1838: Speeches (Edinburgh, 1838), Vol. II. pp. 218, 219.

exerts all his mighty power against the establishment of safeguards without which there can be no true redemption. In present discussion, the old proslavery spirit that was in him, with hostility to principles and to men, comes out anew, — as, on the application of heat, the old tunes frozen up in the bugle of Baron Munchausen were set a-going and broke forth freshly. People do not change suddenly or completely. The old devils are not all cast out at once. Even the best of converts sometimes backslide. From so grave a writer as Southey, in his History of Brazil, we learn that a woman accustomed to consider human flesh an exquisite dainty was converted to Christianity in extreme old age. The faithful missionary strove at once to minister to her wants, and asked if there was any particular food she could take, suggesting various delicacies; to all which the venerable convert replied: "My stomach goes against everything. There is but one thing which I think I could touch. If I had the little hand of a little tender Tapuya boy, I think I could pick the little bones. But, woe is me! there is nobody to go out and shoot one for me!"[1] In similar spirit our Presidential convert now yearns for a taste of those odious pretensions which were a part of Slavery.

Now, when a person thus situated, with great responsibilities to his country and to history, bound by public professions and by political associations, who has declared himself against Slavery, and has every motive for perseverance to the end, — when such a person openly seeks to preserve its odious pretensions, are we not admonished again how unsafe it must be

[1] History of Brazil (London, 1810), Vol. I. p. 223, note.

to trust old masters, under no responsibility and no pledge, with the power of legislating for freedmen? I protest against it.

I claim this power for the Nation. If it be said that the power has never been employed, then I say that the time has come for its employment. I claim it on at least three several grounds.

1. There is the Constitutional Amendment, already adopted by the people, which invests Congress with plenary powers to secure the abolition of Slavery, — ay, its "extirpation," according to the promise of the Baltimore platform, — including the right to sue and testify in court, and the right also to vote. The distinction attempted between what are called *civil* rights and *political* rights is a modern invention. These two words in their origin have the same meaning. One is derived from the Latin, and the other from the Greek. Each signifies what pertains to a *city* or *citizen*. Besides, if the elective franchise seem "appropriate" to assure the "extirpation" of Slavery, Congress has the same power to secure this right that it has to secure the right to sue and testify in courts, which it has already done. Every argument, every reason, every consideration, by which you assert the power for the protection of colored persons in what are called *civil* rights, is equally strong for their protection in what are called *political* rights. In each case you legislate to the same end, — that the freedman may be maintained in the liberty so tardily accorded; and the legislation is just as "appropriate" in one case as in the other.

2. There is also that distinct clause of the Constitution requiring the United States to "guaranty to

every State in this Union *a republican form of government.*" Here is a source of power as yet unused. The time has come for its use. Let it be declared that a State which disfranchises any portion of its citizens by a discrimination in its nature insurmountable, as in the case of color, cannot be considered a republican government. The principle is obvious, and its practical adoption would ennoble the country and give to mankind a new definition of republican government.

3. Another reason with me is peremptory. There is no discrimination of color in the allegiance you require. Colored citizens, like white citizens, owe allegiance to the United States; therefore they may claim protection as an equivalent. In other words, allegiance and protection must be reciprocal. As you claim allegiance of colored citizens, you must accord protection. One is the consideration of the other. And this protection must be in all the rights of citizens, civil and political. Thus again do I bring home to the National Government this solemn duty. If this has not been performed in times past, it was on account of the tyrannical influence of Slavery, which perverted our Government. But, thank God! that influence is overthrown. Vain are the victories of the war, if this influence continues to tyrannize. Formerly the Constitution was interpreted always for Slavery. I insist, that, from this time forward, it shall be interpreted always for Freedom. This is the great victory of the war, — or rather, it is the crowning result of all the victories.

One of the most important battles in the world's history was that of Tours, in France, where the Mahometans, who had come up from Spain, contended

with the Christians under Charles the Hammer. On this historic battle Gibbon remarks, that, had the result been different, "perhaps the interpretation of the Koran would now be taught in the schools of Oxford, and her pulpits might demonstrate to a circumcised people the sanctity and truth of the revelation of Mahomet."[1] Thus was Christianity saved; and thus by our victories has Liberty been saved. Had the Rebels prevailed, Slavery would have had voices everywhere, even in the Constitution itself. But it is Liberty now that must have voices everywhere, and the greatest voice of all in the National Constitution and the laws made in pursuance thereof.

In this cause I cannot be frightened by words. There is a cry against "Centralization," "Consolidation," "Imperialism," — all of which are bad enough, when dedicated to any purpose of tyranny. As the House of Representatives is renewed every two years, it is inconceivable that such a body, fresh from the people and promptly returning to the people, can become a Tyranny, especially when seeking safeguards for Human Rights. A government inspired by Liberty is as wide apart from Tyranny as Heaven from Hell. There can be no danger in Liberty assured by central authority; nor can there be danger in any powers to uphold Liberty. Such a centralization, such a consolidation, — ay, Sir, such an imperialism, — would be to the whole country a well-spring of security, prosperity, and renown. As well find danger in the Declaration of Independence and the Constitution itself, which speak with central power; as well find danger in those central laws

[1] Decline and Fall of the Roman Empire (Boston, 1855), Chap. LII. Vol. VI. p. 387.

which govern the moral and material world, binding men together in society and keeping the planets wheeling in their orbits.

Often during recent trials the cause of our country has assumed three different forms, each essential in itself and yet together constituting a unit, like the shamrock, or white clover, with triple leaf, originally used to illustrate the Trinity. It was Three in One. These three different forms were: first, the national forces; secondly, the national finances; and, thirdly, the ideas entering into the controversy. The national forces and the national finances have prevailed. The ideas are still in question, and even now you debate with regard to the great rights of citizenship. Nobody doubts that the army and navy fall plainly within the jurisdiction of the National Government, and that the finances fall plainly within this jurisdiction; but the rights of citizenship are as thoroughly national as army and navy or finances. You cannot without peril cease to regulate the army and navy, nor without peril cease to regulate the finances; but there is equal peril in abandoning the rights of citizens, who, wherever they may be, in whatever State, are entitled to protection from the Nation. An American citizen in a foreign land enjoys the protecting hand of the National Government. That protecting hand should be his not less at home than abroad.

Fellow-citizens, allow me to gather the whole case into brief compass. The President, wielding the One Man Power, has assumed a prerogative over Congress utterly unjustifiable, while he has dictated a fatal "policy" of Reconstruction, which gives sway to Rebels, puts

off the blessed day of security and reconciliation, and leaves the best interests of the Republic in jeopardy. Treacherous to party, false to the great cause, and unworthy of himself, he has set his individual will against the people of the United States in Congress assembled. Forgetful of truth and decency, he has assailed members as "assassins," and has denounced Congress itself as a revolutionary body, "called or assuming to be the Congress of the United States," and "hanging upon the verge of the Government,"[1] — as if this most enlightened and patriot Congress did not contain the embodied will of the American people. To you, each and all, I appeal to arrest this madness. Your votes will be the first step. The President must be taught that usurpation and apostasy cannot prevail. He who promised to be Moses, and has become Pharaoh, must be overthrown. And may the Egyptians that follow him share the same fate, so that it shall be said now as aforetime, "And the Lord overthrew the Egyptians in the midst of the sea!"

[1] Speeches, February 22 and August 18, 1866: McPherson's History of the United States during Reconstruction, pp. 61, 127.

THE OCEAN TELEGRAPH BETWEEN EUROPE AND AMERICA.

ANSWER TO INVITATION TO ATTEND A BANQUET AT NEW YORK, IN HONOR OF CYRUS W. FIELD, NOVEMBER 14, 1866.

ON the 15th November, a banquet was given to Cyrus W. Field, at New York, to exchange congratulations on the happy result of his efforts in uniting by telegraph the Old and New World. Many distinguished guests were present. There were also communications from President Johnson, Chief Justice Chase, Secretary Seward, Secretary Welles, General Grant, Admiral Porter, Sir Frederick Bruce, the British Minister, Lord Moncke, Governor-General of Canada, and many others. Mr. Sumner wrote: —

BOSTON, November 14, 1866.

GENTLEMEN, — I regret much that it is not in my power to unite with you in tribute to Mr. Field, according to the invitation with which you have honored me.

There are events which can never be forgotten in the history of Civilization. Conspicuous among these was the discovery of the New World by Christopher Columbus. And now a kindred event is added to the list: the two worlds are linked together.

In this work Mr. Field has been pioneer and discoverer. As such his name will be remembered with

that gratitude which is bestowed upon the world's benefactors. Already his fame has begun.

Accept my thanks, and believe me, Gentlemen, faithfully yours,

CHARLES SUMNER.

THE COMMITTEE, &c.

ENCOURAGEMENT TO COLORED FELLOW-CITIZENS.

LETTER TO A CONVENTION OF COLORED CITIZENS, DECEMBER 2, 1866.

December 2, 1866.

DEAR SIR, — I am glad that our colored fellow-citizens are about to assemble in convention to consider how best to promote their welfare, and to secure those equal rights to which they are justly entitled.

You seek nothing less than a revolution. But you will succeed. The revolution must prevail. What are called civil rights have been accorded already; but every argument for these is equally important for political rights, which cannot be denied without the grossest wrong. Let the colored citizens persevere. Let them calmly, but constantly, insist upon those equal rights which are the promise of our institutions. They should appeal to Congress, and they should also appeal to the courts.

I cannot doubt the power and duty of Congress and of the courts to set aside every inequality founded on color. It will be the wonder of posterity that a constitution absolutely free from all discrimination of color was so perverted in its construction as to sanction this discrimination, — as if such a wrong could be derived from a text which contains no single word even to

suggest it. The fountain-head is pure: the waters which flow from it must be equally pure.

Accept my best wishes, and believe me, dear Sir, faithfully yours,

CHARLES SUMNER.

J. M. LANGSTON, ESQ.

THE TRUE PRINCIPLES OF RECONSTRUCTION.

ILLEGALITY OF EXISTING GOVERNMENTS IN THE REBEL STATES.

RESOLUTIONS AND REMARKS IN THE SENATE, DECEMBER 5, 1866.

RESOLUTIONS declaring the true principles of Reconstruction, the jurisdiction of Congress over the whole subject, the illegality of existing governments in the Rebel States, and the exclusion of such States, with such illegal governments, from representation in Congress, and from voting on Constitutional Amendments.

RESOLVED, (1.) That in the work of Reconstruction it is important that no false step should be taken, interposing obstacle or delay, but that, by careful provisions, we should make haste to complete the work, so that the unity of the Republic shall be secured on permanent foundations, and fraternal relations once more established among all the people thereof.

2. That this end can be accomplished only by following the guiding principles of our institutions as declared by our fathers when the Republic was formed, and that neglect or forgetfulness of these guiding principles must postpone the establishment of union, justice, domestic tranquillity, the general welfare, and the blessings of liberty, which, being the declared objects

of the National Constitution, must therefore be the essential aim of Reconstruction itself.

3. That Reconstruction must be conducted by Congress, and under its constant supervision; that under the National Constitution Congress is solemnly bound to assume this responsibility; and that, in the performance of this duty, it must see that everywhere throughout the Rebel communities loyalty is protected and advanced, while the new governments are fashioned according to the requirements of a Christian commonwealth, so that order, tranquillity, education, and human rights shall prevail within their borders.

4. That, in determining what is a republican form of government, Congress must follow implicitly the definition supplied by the Declaration of Independence; and, in the practical application of this definition, it must, after excluding all disloyal persons, take care that new governments are founded on the two fundamental truths therein contained: first, that all men are equal in rights; and, secondly, that all just government stands only on the consent of the governed.

5. That all proceedings with a view to Reconstruction originating in Executive power are in the nature of usurpation; that this usurpation becomes especially offensive, when it sets aside the fundamental truths of our institutions; that it is shocking to common sense, when it undertakes to derive new governments from a hostile population just engaged in armed rebellion; and that all governments having such origin are necessarily illegal and void.

6. That it is the duty of Congress to proceed with Reconstruction; and to this end it must assume jurisdiction of the States lately in rebellion, except so far

as that jurisdiction has been already renounced, and it must recognize only the Loyal States, or States having legal and valid legislatures, as entitled to representation in Congress, or to a voice in the adoption of Constitutional Amendments.

These resolutions were read and ordered to be printed. Mr. Sumner, after remarking that he saw "no chance for peace in the Rebel States until Congress does its duty by assuming jurisdiction over that whole region," proposed to read a letter he had just received from Texas.

MR. MCDOUGALL [of California]. Allow me to ask the Senator to read the signature. Let the name of the writer be given.

MR. SUMNER. I shall not read the signature ——

MR. MCDOUGALL. Ah! ha!

MR. SUMNER. And for a very good reason, — that I could not read the signature without exposing the writer to violence, if not to death.

MR. DAVIS [of Kentucky]. Mr. President, I rise to a question of order. I ask if the reading of the letter by the Senator from Massachusetts is in order.

THE PRESIDENT *pro tempore*. In the opinion of the Chair, a Senator, in making a speech to the Senate, has a right to read from a letter in his possession, if he deems proper.

MR. DAVIS. I ask whether it is in order for the Senator from Massachusetts to make a speech at this time.

THE PRESIDENT *pro tempore*. The Chair sees nothing disorderly in it.

Mr. Sumner then read the letter, and remarked: —

I should not read this letter, if I were not entirely satisfied of the character and intelligence of the writer. It is in the nature of testimony which the Senate cannot disregard. It points the way to duty. We must, Sir, follow the suggestions of this patriot Unionist, and erase the governments under which these outrages are perpetrated. The writer calls them "sham governments." They are governments having no element of vitality. They are disloyal in origin, and they share the character of the Rebellion itself. We must go forth

to meet them, and the spirit in which they have been organized, precisely as in years past we went forth to meet the Rebellion. The Rebellion, Sir, has assumed another form. Our conflict is no longer on the field of battle, but here in this Chamber, and in the Chamber at the other end of the Capitol. Our strife is civic, but it should be none the less strenuous.

FEMALE SUFFRAGE, AND AN EDUCATIONAL TEST OF MALE SUFFRAGE.

SPEECH IN THE SENATE, ON AMENDMENTS TO THE BILL CONFERRING SUFFRAGE WITHOUT DISTINCTION OF COLOR IN THE DISTRICT OF COLUMBIA, DECEMBER 13, 1866.

DECEMBER 10th, the Suffrage Bill for the District of Columbia, considered in the former session of Congress,[1] was again taken up for consideration, when Mr. Cowan, of Pennsylvania, moved to amend it by striking out the word "male," so that there should be no limitation of sex. December 12th, after debate, this motion was rejected, — Yeas 9, Nays 37. The Senators voting in the affirmative were Mr. Anthony, of Rhode Island, Mr. Gratz Brown, of Missouri, Mr. Buckalew, of Pennsylvania, Mr. Cowan, of Pennsylvania, Mr. Foster, of Connecticut, Mr. Nesmith, of Oregon, Mr. Patterson, of Tennessee, Mr. Riddle, of Delaware, and Mr. Wade, of Ohio.

The following amendment was then moved by Mr. Dixon, of Connecticut: —

"*Provided*, That no person who has not heretofore voted in this District shall be permitted to vote, unless he shall be able, at the time of offering to vote, to read, and also to write his own name."

December 13th, at this stage of the debate, Mr. Sumner said: —

MR. PRESIDENT, — I have already voted against the motion to strike out the word "male," and I shall vote against the pending proposition to fix an educational test. In each case I am governed by the same consideration.

[1] *Ante*, Vol. X. pp. 5-7.

In voting against striking out the word "male," I did not intend to express any opinion on the question, which has at last found its way into the Senate Chamber, whether women shall be invested with the elective franchise. That question I leave untouched, contenting myself with the remark, that it is obviously the great question of the future, — at least one of the great questions, — which will be easily settled, whenever the women in any considerable proportion insist that it shall be settled. And so, in voting against an educational test, I do not mean to say that under other circumstances such test may not be proper. But I am against it now.

The present bill is for the benefit of the colored race in the District of Columbia. It completes Emancipation by Enfranchisement. It entitles all to vote without distinction of color. The courts and the rail-cars of the District, even the galleries of Congress, have been opened. The ballot-box must be opened also. Such is my sense not only of the importance, but of the necessity of this measure, so essential does it appear to me for the establishment of peace, security, and reconciliation, which I so earnestly covet, that I am unwilling to see it clogged, burdened, or embarrassed by anything else. I wish to vote on it alone. Therefore, whatever the merits of other questions, I have no difficulty in putting them aside until this is settled.

The bill for Impartial Suffrage in the District of Columbia concerns directly some twenty thousand colored persons, whom it will lift to the adamantine platform of Equal Rights. If regarded simply in its influence on the District, it would be difficult to exaggerate its value; but when regarded as an example to the whole

country, under the sanction of Congress, its value is infinite. In the latter character it becomes a pillar of fire to illumine the footsteps of millions. What we do here will be done in the disorganized States. Therefore we must be careful that what we do here is best for the disorganized States.

If the bill could be confined in influence to the District, I should have little objection to an educational test as an experiment. But it cannot be limited to any narrow sphere. Practically, it takes the whole country into its horizon. We must, therefore, act for the whole country. This is the exigency of the present moment.

Now to my mind nothing is clearer than the present necessity of suffrage for all colored persons in the disorganized States. It will not be enough, if you give it to those who read and write; you will not in this way acquire the voting force needed there for the protection of Unionists, whether white or black. You will not secure the new allies essential to the national cause. As you once needed the muskets of blacks, so now you need their votes, — and to such extent that you can act with little reference to theory. You are bound by the necessity of the case. Therefore, when asked to open suffrage to women, or when asked to establish an educational standard for our colored fellow-citizens, I cannot, on the present bill, simply because the controlling necessity under which we act will not allow it. By a singular Providence, we are constrained to this measure of Enfranchisement for the sake of peace, security, and reconciliation, so that loyal persons, white or black, may be protected, and that the Republic may live. Here, in the national capital, we begin the real work of Recon-

struction, by which the Union will be consolidated forever.

The amendment of Mr. Dixon was rejected, — Yeas 11, Nays 34. The Senators voting in the affirmative were Mr. Anthony, Mr. Buckalew, Mr. Dixon, Mr. Doolittle, Mr. Fogg, Mr. Foster, Mr. Hendricks, Mr. Nesmith, Mr. Patterson, Mr. Riddle, and Mr. Willey.

The bill then passed the Senate, — Yeas 32, Nays 13. On the next day it passed the other House, and, being vetoed by President Johnson, it passed both Houses by a two-thirds vote, so that it became a law.[1]

[1] Statutes at Large, Vol. XIV. p. 375.

PROHIBITION OF PEONAGE.

RESOLUTION AND REMARKS IN THE SENATE, JANUARY 3, 1867.

JANUARY 3d, in the Senate, Mr. Sumner introduced the following resolution: —

"*Resolved,* That the Committee on the Judiciary be directed to consider if any further legislation is needed to prevent the enslavement of Indians in New Mexico or any system of peonage there, and especially to prohibit the employment of the army of the United States in the surrender of persons claimed as peons."

Mr. Sumner then called attention to facts showing the necessity of action. He said: —

I THINK you will be astonished, when you learn that the evidence is complete, showing in a Territory of the United States the existence of slavery which a proclamation of the President has down to this day been powerless to root out. During the life of President Lincoln, I more than once appealed to him, as head of the Executive, to expel this evil from New Mexico. The result was a proclamation, and also definite orders from the War Department; but, in the face of proclamation and definite orders, the abuse has continued, and, according to official evidence, it seems to have increased.

Mr. Sumner here read from the Report of the Commissioner on Indian Affairs, also from the Report of a Special Agent, containing the correspondence of army officers, including an order from the As-

sistant Inspector General in New Mexico to aid in the rendition of fugitive peons to their masters, and then remarked: —

The special Indian agent who reports this correspondence very aptly adds: —

"The aid of Congress is invoked to stop the practice."

I hope the Department of War will communicate directly with General Carleton, under whose sanction this order has been made, and I hope that our Committee on the Judiciary will consider carefully if further legislation is not needed to meet this case. A Presidential proclamation has failed; orders of the War Department have failed; the abuse continues, and we have a very learned officer in the army of the United States undertaking to vindicate it.

The reference was changed to the Committee on Military Affairs, and the resolution was adopted. Subsequently, Mr. Wilson, of Massachusetts, Chairman of the Committee on Military Affairs, reported a bill to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States, which became a law.[1]

[1] Statutes at Large, Vol. XIV. p. 546.

PRECAUTION AGAINST THE REVIVAL OF SLAVERY.

REMARKS IN THE SENATE, ON A RESOLUTION AND THE REPORT OF THE JUDICIARY COMMITTEE, JANUARY 3 AND FEBRUARY 20, 1867.

JANUARY 3, 1867, in the Senate, Mr. Sumner introduced the following resolution: —

"*Resolved*, That the Committee on the Judiciary be directed to consider if any action of Congress be needed, either in the way of legislation or of a supplementary Amendment to the Constitution, to prevent the sale of persons into slavery for a specified term by virtue of a decree of court."

In its consideration, he called attention to cases like the following: —

"PUBLIC SALE. The undersigned will sell at the court-house door, in the city of Annapolis, at twelve o'clock, M., on Saturday, 8th December, 1866, a negro man named Richard Harris, for six months, convicted at the October term, 1866, of the Anne Arundel County Circuit Court, for larceny, and sentenced by the Court to be sold as a slave.

"Terms of sale, cash. "WM. BRYAN,
"*Sheriff Anne Arundel County.*

"December 3, 1866."

He then remarked: —

IT seems to me, Sir, that these cases throw upon Congress the duty at least of inquiry; and I wish the Committee on the Judiciary, from which proceeded the Constitutional Amendment abolishing Slavery, would enlighten us on the validity of these proceedings, and the necessity or expediency of further action to prevent

their repetition. I do not know that the Civil Rights Bill, which was afterward passed, may not be adequate to meet these cases; but I am not clear on that point.

When the Constitutional Amendment was under consideration, I objected positively to the phraseology. I thought it an unhappy deference to an original legislative precedent at an earlier period of our history. I regretted infinitely that Congress was willing, even indirectly, to sanction any form of slavery. But the Senate supposed that the phrase "involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted," was simply applicable to ordinary imprisonment. At the time I feared that it might be extended so as to cover some form of slavery. It seems now that it is so extended, and I wish the Committee to consider whether the remedy can be applied by Act of Congress, or whether we must not go further and expurgate that phraseology from the text of the Constitution itself.

After remarks by Mr. Reverdy Johnson and Mr. Creswell, of Maryland, Mr. Sumner said: —

The remarks of the Senator from Maryland [Mr. JOHNSON] seem to justify entirely the resolution I have brought forward. I have simply called attention to what was already notorious, but with a view to action. I am not sure, that, under the Constitutional Amendment, this abuse may not be justified, and I desire to have the opinion of the Committee after ample consideration.

This, Sir, is not the first time in which incidents like this have occurred. I remember, that, many years ago, when I first came into this Chamber, the good

people whom I represent were shocked at reading that four colored sailors of Massachusetts had been sold into slavery in the State of Texas. I did what I could to obtain their liberation, but without success. I applied directly to the Senator from Texas at that time, who will be remembered by many as the able General Rusk, beside whom I sat on the other side of the Chamber. He openly vindicated the power of the court to make such a sale, and I have never heard anything of those poor victims from that time to this. Under the operation of the Constitutional Amendment I trust they are now emancipated; but I am not sure of that, since they are in Texas.

The resolution was adopted. Subsequently Mr. Creswell moved the printing of a bill, introduced by him at the preceding session, to protect children of African descent from being enslaved in violation of the Constitution of the United States.

February 20th, Mr. Poland, from the Committee on the Judiciary, to whom this bill had been referred, reported that its object was accomplished by the Civil Rights and the Habeas Corpus Acts, and that no further legislation was needed. In a conversation that ensued, Mr. Sumner said: —

It strikes me the practical question is, whether recent incidents have not admonished us that there is a disposition to evade the statute, and under the protection of State laws ——

Mr. Trumbull [of Illinois]. That is the very thing the statute guards against.

Mr. Sumner. But the statute was not effective to prevent those incidents.

Mr. Trumbull. Will any statute, if it is not executed?

Mr. Sumner. But when apprised of an evasion, I ask whether it is not expedient to counteract that eva-

sion specifically and precisely, so that there shall be no possible excuse? Liberty is won by these anxious trials. Those who represent her are accustomed to take case by case and difficulty by difficulty, — overcoming them, if they can. Secure first the general principle, as in the Constitutional Amendment, — then legislation as extensive or minute as the occasion requires. Let it be "precept upon precept, line upon line," so long as any such outrage can be shown.

I would not seem pertinacious, though I do not know that I can err by any pertinacity on a question of Human Liberty. I feel that we are painfully admonished, by incidents occurring under our very eyes, that we ought to do something to tighten that great Constitutional Amendment. It contains in its text words which I regret. I regretted them at the time; I proposed to strike them out; and now they return to plague the inventor. There should have been no recognition in the Constitutional Amendment of any possibility of Slavery. The reply is, that the Amendment, if properly interpreted, does not recognize the possibility of Slavery being legal in any just sense. But it is misinterpreted, — has been so in an adjoining State; and who can tell that it will not be so now in every one of the Southern States? I am sorry that the Committee has not reported the bill.

The Senate last night passed a bill, on the report of my colleague, to prohibit slavery and peonage in New Mexico. Under the Constitutional Amendment, I take it, that bill was unnecessary, it was superfluous. But we have found a difficulty in that Territory. There has been outrage; slavery in some form exists there; and consequently my colleague was right, when he

brought his Committee to the conclusion that they must meet it by specific enactment. Where the abuse appears, we must root it out. That is Radicalism. So long as a human being is held as a slave anywhere under this flag, from the Atlantic to the Pacific coast, there is occasion for your powerful intervention; and if there is ambiguity or failure in existing statutes, then you must supply another statute.

PROTECTION AGAINST THE PRESIDENT.

SPEECHES IN THE SENATE, ON AN AMENDMENT TO THE TENURE OF OFFICE BILL, JANUARY 15, 17, AND 18, 1867.

THIS session of Congress was occupied by efforts to restrain and limit the appointing power of the President. The differences between the President and Congress increased daily. Among measures considered by Congress was a bill to regulate the tenure of offices, known as the Tenure of Office Bill.

January 15th, Mr. Sumner moved to amend this bill by adding a new section: —

"*And be it further enacted,* That all officers or agents, except clerks of Departments, now appointed by the President or by the head of any Department, whose salary or compensation, derived from fees or otherwise, exceeds one thousand dollars annually, shall be nominated by the President and appointed by and with the advice and consent of the Senate; and the term of all such officers or agents who have been appointed since the first day of July, 1866, either by the President or by the head of a Department, without the advice and consent of the Senate, shall expire on the last day of February, 1867."

Mr. Edmunds, of Vermont, who reported the pending bill, opposed the amendment. Mr. Sumner followed.

MR. PRESIDENT, — The proposition I offer now I moved last week on another bill, in a slightly different form, but it was substantially the same. I did not then understand that there was objection to it in principle. It was opposed as not germane to the bill in hand; or, if germane, its adoption on that bill was

supposed in some way to embarrass its passage. On that ground, as I understand, it was opposed, — not on its merits. Senators who spoke against it avowed their partiality for it, if I understood them aright, — declared, that, if they had an opportunity on any proper bill, they would vote for it.

Well, Sir, I move it on another bill, to which I believe all will admit it is entirely germane. There is no suggestion that it is not germane. It is completely in order. But the objection of the Senator from Vermont, if I understand, is, that it may interfere with the symmetry of his bill, and introduce an element which he, who has that bill in charge and now conducts it so ably, had not intended to introduce. Very well, Sir; that may be said; but I do not think it a very strong objection.

The Senator is mistaken, if he supposes that the amendment would endanger the bill. Just the contrary. It would give the bill strength.

MR. HOWE. Merit.

MR. SUMNER. It would give it both strength and merit, — because it is a measure which grows out of the exigency of the hour. His bill on a larger scale is just such a measure. It grows out of the present exigency, and this is its strength and its merit. We shall pass that, if we do pass it, — and I hope we shall, — to meet a crisis. We all feel its necessity. But the measure which I now move grows equally out of the present exigency. If ingrafted on the bill, it will be, like the original measure, to meet the demands of the moment. It will be because without it we shall leave something undone which we ought to do.

Now, I ask Senators, is there any one who doubts that under the circumstances such a provision ought to pass? Is there any one who doubts, after what we have seen on a large scale, that the President, for the time being at least, ought to be deprived of the extraordinary function he has exercised? He has announced in public speech that he meant to "kick out of office" present incumbents; and it was in this proceeding, that, on his return to Washington, he undertook to remove incumbents wherever he could. It cannot be doubted, Sir, that we owe protection to these incumbents, so far as possible. This is an urgent duty. If the Senator from Vermont will tell me any other way in which this can be promoted successfully, I shall gladly follow him; but until then I must insist that it shall share the fortunes of the bill, "pursue the triumph and partake the gale." If the bill succeeds, then let this measure, which is as good as the bill.

But the suggestion is made, that the amendment should be matured in a committee. Why, Sir, it is very simple. Any one can mature it who applies his mind to it for a few moments. It has already been before the Senate for several days, discussed once, twice, three times, I think, not elaborately, but still discussed, so that its merits have become known; and beside its discussion in open Senate, I am a witness that it has been canvassed in conversation much. Many Senators have applied their minds to it, and I may say that in offering it now I speak not merely for myself, but for others, and the proposition, in the form in which I present it, is not merely my own, but it is that of many others, to whose careful supervision it has been submitted. Therefore I say that it is matured, so far

as necessary, and there is no reason why the Senate should not act upon it. Why postpone what is in itself so essentially good? Why put off to some unknown future the chance of applying the remedy to an admitted abuse? Is there any one here who says that this is not an abuse, that here is not a tyrannical exercise of power? No one. Then, Sir, let us apply the remedy. This is the first chance we can get. Take it.

Mr. Fessenden was "not disposed to overturn a system which has recommended itself to the experience of the Government, recommended itself to the most approved mode of doing the business of the country for years, with which no fault whatever has been found in its practical operation, simply because at this time we are in this 'muss' with regard to appointments." He was "opposed utterly to the amendment." Mr. Sumner replied: —

It is very easy to answer an argument, when you begin by exaggerating consequences. Now, Sir, the Senator warns us against my proposition, because it would impose so much business upon the Senate. Is that true? He reminds us of the number of appointments we should be obliged to act upon in the Internal Revenue Department. How many? The assistant assessors. What others? Those can be counted.

Mr. Cragin. Inspectors under the internal revenue laws.

Mr. Sumner. Inspectors also: those can all be counted. He then reminds us of the officers in the custom-houses. They can all be counted. It would not act on clerks in the custom-houses; it acts only, if at all, on officers of the custom-houses, in a certain sense superior, some with considerable responsibility. They can all be counted. It is easy to say that

we shall be obliged to deal with many thousands; but I say, nevertheless, they can all be counted.

But are we not obliged to deal with many thousand postmasters, and also with many thousand officers in the army? How have we carried this great war along? The Senate has acted always upon all the nominations of the Executive for the national army, beginning with the general and ending with a second lieutenant. Every one comes before the Senate; and what is the consequence? The Executive has a direct responsibility to the Senate with regard to every army appointment. But you are not disposed to renounce that responsibility because it brings into this Chamber many thousand nominations. Of the officers that I would bring into the Chamber, some you may consider as second lieutenants in the civil service, others as first lieutenants, others as captains. And why should we not act upon them?

The Senator says we had better follow the received system. One of the finest sentiments that have fallen from one of the most gifted of our fellow-countrymen is that verse in which he says, —

"New occasions teach new duties."

We have a new occasion, teaching a new duty. That new occasion is the misconduct of the Executive of the United States; and the new duty is, that Congress should exercise all its powers in throwing a shield over fellow-citizens. The Executive is determined to continue this warfare upon the incumbents of office; shall we not, if possible, protect them? That is our duty growing out of this hour. It may not be our duty next year, or four years from now, as it was not our duty last year, or four years back. But because it may not

be our duty next year, and was not our duty last year, it does not follow that it is not our duty now. I would act in the present according to the exigency; and if there is an abuse, as no one will hesitate, I think, to admit, I would meet it carefully, considerately, and bravely.

. . . . .

When to-morrow comes, if happily we see a clearer sky, I shall then hearken gladly to the Senator from Maine, and follow him in sustaining the old system; but meanwhile the old system has ceased to be applicable. It does not meet the case. It was good enough when we had a President in harmony with the Senate; but it is not good enough now. We owe it, therefore, to ourselves, and to those looking here for protection, to apply the remedy.

January 17th, after an earnest debate, Mr. Sumner spoke again.

MR. PRESIDENT, — As the proposition on which the Senate is about to vote was brought forward by me, I hope that I may have the indulgence of the Senate for a few minutes. Had I succeeded in catching the eye of the Chair at the proper time, I should, perhaps, have said something in reply to the Senator from Indiana [Mr. HENDRICKS]; but he has already been answered by the Senator from California [Mr. CONNESS]. Besides, the topics which he introduced were political. He did not address himself directly to the proposition itself. I do not say that his remarks were irrelevant, but obviously he seized the occasion to make a political speech. The Senator is an excellent debater; he always speaks to the point as he understands it; and yet his point is apt to be political. Of course he

speaks as one having authority with his party, in which he is an acknowledged leader. And now, Sir, you will please to remark, he comes forward as leader for the President of the United States. The Senator from Indiana, an old-school Democrat, — he will not deny the appellation, — presents himself as defender of the President. I congratulate the President upon so able a defender. Before this great controversy is closed, the President will need all the ability, all the experience, all the admirable powers of debate which belong to the distinguished Senator.

As I shall recall the Senate precisely to the question, I begin by asking the Secretary to read the amendment.

The Secretary read the amendment, when Mr. Sumner continued.

Now, Mr. President, I am unwilling to be diverted from that plain proposition into any general discussion of a merely political character. I ask your attention to the simple question on which you are to vote.

Here I meet objections brought against the amendment, so far as I have been able to comprehend them. They have chiefly found voice, unless I am much mistaken, in the Senator from Maine [Mr. FESSENDEN], who is as earnest as he is unquestionably able. The Senator began with a warning, and his beginning gave tone to all he said. He warned us not to forget the lessons of the past; and he warned us also not to fall under the influence of any animosity. When he warned us not to forget the lessons of the past, such was his earnestness that he seemed to me fresh from the study of Confucius. No learned Chinese, anxious that there should be no departure from the ancient ways, and filled

with devotion for distant progenitors, could have enjoined that duty more reverently. We were to follow what had been done in the past. Now, Sir, I have a proper deference for the past; I recognize its lessons, and seek to comprehend them; but I am not a Chinese, to be swathed by traditions. I break all bands and wrappers, when the occasion requires. I trust that the Senator will do so likewise. The present occasion is of such a character that his lesson is entirely inapplicable. It is well to regard the past, and study its teachings. It is well also to regard the future, and seek to provide for its necessities. This is plain enough.

Then, Sir, we are not to act under the influence of animosity. Excellent counsel. But, pray, what Senator, on an occasion like this, when we strive to place in the statutes of the country an important landmark, can allow himself to act under such influence? Is the Senator from Maine the only one who can claim this immunity? I am sure he will not make exclusive claim. As he is conscious that he is free from such disturbing influence, so also am I. He is not more free from it than I am. Most sincerely from my heart do I disclaim all animosity. I have nothing of the kind. I see nothing but my duty.

And when I speak of duty, I speak of what I would emphatically call the duty of the hour. I tried the other day, in what passed between myself and the Senator from Maine, briefly to illustrate this idea. I said that we are not to act absolutely with reference to the past, nor absolutely with reference to the future, but we are to act in the present. Each hour has its duties, and this hour has duties such as few other hours

in our history have ever presented. Is there any one who can question it? Are we not in the midst of a crisis? Sometimes it is said that we are in the midst of a revolution. Call it, if you will, simply a crisis. It is a critical hour, having its own peculiar responsibilities. Now, if you ask me in what this present duty specially centres, on what it specially pivots, I have an easy reply: it is in protection to the loyal and patriotic citizen, wherever he may be. I repeat it, protection to the loyal and patriotic citizen is the imminent duty of the hour. This duty is so commanding, so engrossing, so absorbing, so peculiar, — let me say, in one word, so sacred, — that to neglect it is like the neglect of everything. It is nothing less than a general abdication.

Such, I say emphatically, is the duty of the hour, in presence of which it is vain for the Senator to cite the experience of other times, when no such duty was urgent. He does not meet the case. What he says is irrelevant. All that was done in the past may have been well done; for it I have no criticism; but at this time it is absolutely inapplicable.

I return, then, to my proposition, that the duty of the hour is protection to the loyal and patriotic citizen. But when I have said this, I have not completed the proposition. You may ask, Protection against whom? I answer plainly, Against the President of the United States. There, Sir, is the duty of the hour. Ponder it well, and do not forget it. There was no such duty on our fathers, there was no such duty on recent predecessors in this Chamber, because there was no President of the United States who had become the enemy of his country.

Here Mr. Sumner was called to order by Mr. McDougall, a Democratic Senator from California, who insisted that no Senator had a right to make use of such words in speaking of the President. Confusion ensued, with various calls to order. There was question as to what Mr. Sumner really said. The presiding officer [Mr. ANTHONY, of Rhode Island] decided that Mr. Sumner was in order, from which decision Mr. McDougall appealed, but finally withdrew his appeal, when Mr. Sumner continued.

When interrupted in the extraordinary manner witnessed by the Senate, I was presenting reasons in favor of the measure on which we are to vote, and I insisted as strongly as I could that the special duty of the hour was protection to loyal and patriotic citizens against the President; I was replying to what fell from the Senator from Maine, who seems, if I may judge from his argument, to feel that there is no occasion for special safeguard, and that the system left by our fathers is enough. In this reply I used language which, according to the short-hand reporter, was as follows: I read from his notes: —

"There, Sir, is the duty of the hour. There was no such duty on our fathers, there was no such duty on our recent predecessors, because there was no President of the United States who had become the enemy of his country."

These were my words when suddenly interrupted. By those words, Sir, I stand.

MR. DOOLITTLE [of Wisconsin]. I raise a question of order, whether these words are in order, as stated by the Senator.

THE PRESIDING OFFICER. The Chair has already decided a similar point of order. The Chair will submit this question to the Senate.

The Presiding Officer decided that Mr. Sumner was in order. Mr. Doolittle appealed from this decision. Debate ensued on the appeal,

when Mr. Lane, of Indiana, moved to lay the appeal upon the table. Amid much confusion, other motions were interposed. At last a vote was reached on the motion of Mr. Lane. The yeas and nays were ordered, and, being taken, resulted, — Yeas 29, Nays 10. So the appeal was laid upon the table. Mr. Sumner, who was in his seat, refrained from voting. The Senate then adjourned.

January 18th, Mr. Sumner, having the floor, continued.

It is only little more than a year ago that I felt it my duty to characterize a message of the President as "whitewashing."[1] The message represented the condition of things in the Rebel States as fair and promising, when the prevailing evidence was directly the other way. Of course the message was "whitewashing," and this was a mild term for such a document. But you do not forget how certain Senators, horror-struck at this plainness, leaped forward to vindicate the President. Yesterday some of these same Senators, horror-struck again, leaped forward again in the same task. Time has shown that I was right on the former occasion. If anybody doubts that I was right yesterday, I commend him to time. He will not be obliged to wait long. Meanwhile I shall insist always upon complete freedom of debate, and I shall exercise it. John Milton, in his glorious aspirations, said, "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties."[2] Thank God, now that slave-masters are driven from this Chamber, such is the liberty of an American Senator. Of course there can be no citizen of a republic too high for exposure, as there can be none too low for protection. Exposure of the powerful, and protection of the

[1] *Ante*, Vol. X. pp. 47, seqq.

[2] Areopagitica; A Speech for the Liberty of Unlicensed Printing: Works (London, 1851), Vol. IV. p. 442.

weak, — these are not only invaluable liberties, but commanding duties.

At last the country is opening its eyes to the actual condition of things. Already it sees that Andrew Johnson, who came to supreme power by a bloody incident, has become the successor of Jefferson Davis in the spirit by which he is ruled and in the mischief he inflicts on his country. It sees the President of the Rebellion revived in the President of the United States. It sees that the violence which took the life of his illustrious predecessor is now by his perverse complicity extending throughout the Rebel States, making all who love the Union its victims, and filling the land with tragedy. It sees that the war upon faithful Unionists is still continued under his powerful auspices, without distinction of color, so that all, both white and black, are sacrificed. It sees that he is the minister of discord, and not the minister of peace. It sees, that, so long as his influence prevails, there is small chance of tranquillity, security, or reconciliation, — that the restoration of prosperity in the Rebel States, so much longed for, must be arrested, — that the business of the whole country must be embarrassed, — and that the conditions so essential to a sound currency must be postponed. All these things the country observes. But indignation assumes the form of judgment, when it is seen also that this incredible, unparalleled, and far-reaching mischief, second only to the Rebellion itself, of which it is a continuation, is created, invigorated, and extended through plain usurpation.

I know that the President sometimes quotes the Constitution, and professes to carry out its behests. But this pretension is of little value. A French historian,

whose fame as writer is eclipsed by his greater fame as orator, who has held important posts, and now in advancing years is still eminent in public life, has used words which aptly characterize an attempt like that of the President. I quote from the History of M. Thiers, while describing what is known as the Revolution of the 18th Brumaire.

"When any one wishes to make a revolution, it is always necessary to disguise the illegal as much as possible, — to use the terms of a Constitution in order to destroy it, and the members of a Government in order to overturn it."[1]

In this spirit the President has acted. He has bent Constitution, laws, and men to his arbitrary will, and has even invoked the Declaration of Independence for the overthrow of those Equal Rights it so grandly proclaims.

In holding up Andrew Johnson to judgment, I do not dwell on his open exposure of himself in a condition of intoxication, while taking the oath of office, — nor do I dwell on the maudlin speeches by which he has degraded the country as it was never degraded before, — nor do I hearken to any reports of pardons sold, or of personal corruption. This is not the case against him, as I deem it my duty to present it. These things are bad, very bad; but they might not, in the opinion of some Senators, justify us on the present occasion. In other words, they might not be a sufficient reason for the amendment which I have moved.

But there is a reason which is ample. The President has usurped the powers of Congress on a colossal scale,

[1] Histoire de la Révolution Française (13me édit.), Tom. X. p. 357.

and has employed these usurped powers in fomenting the Rebel spirit and kindling anew the dying fires of the Rebellion. Though the head of the Executive, he has rapaciously seized the powers of the Legislative, and made himself a whole Congress, in defiance of a cardinal principle of republican government, that each branch must act for itself, without assuming the powers of the other; and, in the exercise of these illegitimate powers, he has become a terror to the good and a support to the wicked. This is his great and unpardonable offence, for which history must condemn him, if you do not. He is a usurper, through whom infinite wrong is done to his country. He is a usurper, who, promising to be a Moses, has become a Pharaoh. Do you ask for evidence? No witnesses are needed to prove this guilt. It is found in public acts which are beyond question. It is already written in the history of our country. Absorbing to himself all the powers of the National Government, and exclaiming, with the French monarch, that *he alone* is "the Nation," he assumes, without color of law, to set up new governments in the Rebel States, and, in the prosecution of this palpable usurpation, places these governments of his own creation in the hands of traitors, to the exclusion of patriot citizens, white and black, who, through his agency, are trampled again under the heel of the Rebellion. Thus a power plainly illegitimate is wielded to establish governments plainly illegitimate, which are nothing but engines of an intolerable oppression, under which peace and union are impossible; and this monstrous usurpation is continued in constant efforts by every means to enforce the recognition of these illegitimate governments, so tyrannical in origin

and so baneful in the influence they are permitted to exert. And now, in the maintenance of this usurpation, the President employs the power of removal from office. Some, who would not become the partisans of his tyranny, he has, according to his own language, "kicked out." Others are spared, but silenced by this menace and the fate of their associates. Wherever any vacancy occurs, whether in the Loyal or the Rebel States, it is filled by the partisans of his usurpation. Other vacancies are created to provide for these partisans. I need not add, that, just in proportion as we sanction such nominations or fail to arrest them, according to the measure of our power, we become parties to his usurpation.

Here I am brought directly to the practical application of this simple statement. I have already said that the duty of the hour is in protection to the loyal and patriotic citizen against the President. This cannot be doubted. The first duty of a Government is protection. The crowning glory of a Republic is, that it leaves no human being, however humble, without protection. Show me a man exposed to wrong, and I show you an occasion for the exercise of all the power that God and the Constitution have given you. It will not do to say that the cases are too numerous, or that the remedy cannot be applied without interfering with a system handed down from our fathers, or, worse still, that you have little sympathy with this suffering. This will not do. You must apply the remedy, or fail in duty. Especially must you apply it, when, as now, this wrong is part of a huge usurpation in the interest of recent Rebellion.

The question, then, recurs, Are you ready to apply

the remedy, according to your powers? The necessity for this remedy may be seen in the Rebel States, and also in the Loyal States, for the usurpation is felt in both.

If you look at the Rebel States, you will see everywhere the triumph of Presidential tyranny. There is not a mail which does not bring letters without number supplicating the exercise of all the powers of Congress against the President. There is not a newspaper which does not exhibit evidence that you are already tardy in this work of necessity. There is not a wind from that suffering region which is not freighted with voices of distress. And yet you hesitate.

I shall not be led aside to consider the full remedy, for it is not my habit to travel out of the strict line of debate. Therefore I confine myself to the bill before us, which is applicable alike to Loyal and Rebel States.

This bill has its origin in what I have already called the special duty of the hour, which is protection of loyal and patriotic citizens against the President. I have shown the necessity of this protection. But the brutal language the President employs shows the spirit in which he acts. The Senator from Indiana [Mr. HENDRICKS], whose judgment could not approve this brutality, doubted if the President had used it. Let me settle this question. Here is the "National Intelligencer," always indulgent to the President. In its number for the 13th of September last it thus reports what the Chief Magistrate said at St. Louis:—

"I believe that one set of men have enjoyed the emoluments of office long enough, and they should let another portion of the people have a chance. [*Cheers.*] How are

these men to be got out [*A voice, 'Kick 'em out!' — cheers and laughter*], unless your Executive can put them out, — unless you can reach them through the President? Congress says he shall not turn them out, and they are trying to pass laws to prevent it being done. Well, let me say to you, if you will stand by me in this action [*cheers*], — if you will stand by me in trying to give the people a fair chance, — to have soldiers and citizens to participate in these offices, — God being willing, I will kick them out, — I will kick them out just as fast as I can. [*Great cheering.*]"

Such diction as this is without example. Proceeding from the President, it is a declaration of "policy" which you must counteract; and in this duty make a precedent, if need be.

The bill before the Senate, which the Senator from Vermont [Mr. EDMUNDS] has shaped with so much care and now presses so earnestly, arises from this necessity. Had Abraham Lincoln been spared to us, there would have been no occasion for any such measure. It is a bill arising from the exigency of the hour. As such it is to be judged. But it does not meet the whole case. Undertaking to give protection, it gives it to a few only, instead of the many. It provides against the removal of persons whose offices, according to existing law and Constitution, are held by and with the advice and consent of the Senate. Its special object is to vindicate the power of the Senate over the offices committed to it according to existing law and Constitution. Thus vindicating the power of the Senate, it does something indirectly to protect the citizen. In this respect it is beneficent, and I shall be glad to vote for it.

The amendment goes further in the same direction.

It provides that all agents and officers appointed by the President or by the head of a Department, with salaries exceeding $1,000, shall be appointed only by and with the advice and consent of the Senate; and it further proceeds to vacate all such appointments made since 1st July last past, so as to arrest the recent process of "kicking out." The proposition is simple; and I insist that it is necessary, unless you are willing to leave fellow-citizens without protection against tyranny. Really the case is so plain that I do not like to argue it, and yet you will pardon me, if I advert to certain objections which have been made.

We have been told that the number of persons it would bring before the Senate is such that it would clog and embarrass the public business, — in other words, that we have not time to deal with so many cases. This is a strange argument. Because the victims are numerous, therefore we are to fold our hands and let the sacrifice proceed. But I insist that just in proportion to the number is the urgency of your duty. Every victim has a voice; and when these voices count by thousands, you have no right to turn away and say, "They are too numerous for the Senate." This is my answer to the objection founded on numbers.

But this is not all. You did not shrink, during the war, from the numerous nominations of military officers, counting by thousands; nor did you shrink from the numerous nominations of naval officers, counting by thousands. The power over all these you never relaxed, and I know well you never will relax. You know, that, even if unable to consider carefully every case, yet the power over them enables you to inter-

pose a veto on any improper nomination. The power of the Senate is a warning against tyranny in the Executive. But it is difficult to see any strong reason for this power in the case of the army and navy which is not applicable also to civil officers. This I should say in tranquil times; but there is another reason peculiar to the hour. Even if in tranquil times I were disposed to leave the appointing power as it is, I am not disposed to do so now.

Then, again, we are told that we must not abandon the system of our fathers. I have already answered this objection precisely, in saying, that, whatever may have been the system of the Fathers, it is inadequate to the present hour. But I am not satisfied that the proposition moved by me is inconsistent with the system of the Fathers. The officers of the Internal Revenue did not exist then, and the inferior officers of the customs were few in number and with small emoluments. But all district attorneys and marshals, even if their salary was no more than two hundred dollars, were subject to the confirmation of the Senate.

MR. EDMUNDS. And so they are yet.

MR. SUMNER. And so they are yet. But can the Senator doubt, that, if, at the time when those officers were made subject to the confirmation of the Senate, weighers and gaugers and inspectors had been as well paid as they are now, they, too, would have been brought under the control of this body? I cannot.

MR. EDMUNDS. I do not think they would.

MR. SUMNER. But even if the Senator does not accept the view which I present on the probable course

of our fathers, he cannot resist the argument, that, whatever may have been the old system, we must act now in the light of present duties. I repeat, a system good for our fathers may not be good for this hour, which is so full of danger.

Then, again, we are told, with something of indifference, if not of levity, that it is not the duty of the Senate to look after the "bread and butter" of office-holders. This is a familiar way of saying that these small cases are not worthy of the Senate. Not so do I understand our duties. There is no case so small as not to be worthy of the Senate, especially if in this way you can save a citizen from oppression and weaken the power of an oppressor.

Something has been said about the curtailment of the Executive power, and the Senator from Maine [Mr. FESSENDEN] has even argued against the amendment as conferring upon the President additional powers. This is strange. The effect of the amendment is, by clear intendment, to take from the President a large class of nominations and bring them within the control of the Senate. Thus it is obviously a curtailment of Executive power, which I insist has become our bounden duty. The old resolution of the House of Commons, moved by Mr. Dunning, is applicable here: "The influence of the Crown has increased, is increasing, and ought to be diminished." In this spirit we must put a curb on the President, now maintaining illegitimate power by removals from office.

Mr. President, I have used moderate language, strictly applicable to the question. But it is my duty to remind you how much the public welfare depends upon

courageous counsels. Courage is now the highest wisdom. Do not forget that we stand face to face with an enormous and malignant usurper, through whom the Republic is imperilled, — that Republic which, according to our oaths of office, we are bound to save from all harm. The lines are drawn. On one side is the President, and on the other side is the people of the United States. It is the old pretension of prerogative, to be encountered, I trust, by that same inexorable determination which once lifted England to heroic heights. The present pretension is more outrageous, and its consequences are more deadly; surely the resistance cannot be less complete. An American President must not claim an immunity denied to an English king. In the conflict he has so madly precipitated, I am with the people. In the President I put no trust, but in the people I put infinite trust. Who will not stand with the people?

Here, Sir, I close what I have to say at this time. But before I take my seat, you will pardon me, if I read a brief lesson, which seems written for the hour. The words are as beautiful as emphatic.

"The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves, and then we shall save our country."

These are the words of Abraham Lincoln.[1] They are as full of vital force now as when he uttered them. I entreat you not to neglect the lesson. Learn from its teaching how to save our country.

[1] Annual Message, December 1, 1862: Executive Documents, 37th Cong. 3d Sess., House, No. 1, p. 23.

Mr. Edmunds and Mr. Reverdy Johnson replied. Mr. Howe, of Wisconsin, and Mr. Lane, of Indiana, favored the amendment. Mr. Johnson suggested that the expression of opinion adverse to the President would disqualify a Senator to sit on his impeachment. Mr. Sumner interrupted him to say: —

What right have I to know that the President is to be impeached? How can I know it? And let me add, even if I could know it, there can be no reason in that why I should not argue the measure directly before the Senate, and present such considerations as seem to me proper, founded on the misconduct of that officer.

Mr. Sumner here changed his amendment by striking out the limitation of $1,000 and inserting $1,500. He then said: —

I make the change in deference to Senators about me, and especially yielding to the earnest argument of the Senator from Vermont [Mr. EDMUNDS], who was so much disturbed by the idea that the Senate would be called to act upon inspectors. My experience teaches me not to be disturbed at anything. I am willing to act on an inspector or a night watchman; and if I could, I would save him from Executive tyranny. The Senator would leave him a prey, so far as I can understand, for no other reason than because he is an inspector, an officer of inferior dignity, and because, if we embrace all inspectors, we shall have too much to do.

Sir, we are sent to the Senate for work, and especially to surround the citizen with all possible safeguards. The duty of the hour is as I have declared. It ought not to be postponed. Every day of postponement is to my mind a sacrifice. Let us not, then, be deterred even by the humble rank of these officers, or

by their number, but, whether humble or numerous, embrace them within the protecting arms of the Senate.

The amendment was rejected, — Yeas 16, Nays 21. After further debate, the bill passed the Senate, — Yeas 29, Nays 9. It then passed the House with amendments. To settle the difference between the two Houses, there was a Committee of Conference, when the bill agreed upon passed the Senate, — Yeas 22, Nays 10, — and passed the House, — Yeas 112, Nays 41. March 2d, the bill was vetoed, when, notwithstanding the objections of the President, it passed the Senate, — Yeas 35, Nays 11, — and passed the House, — Yeas 138, Nays 40, — and thus became a law.[1]

[1] Statutes at Large, Vol. XIV. pp. 430-432.

DENUNCIATION OF THE COOLIE TRADE.

RESOLUTION IN THE SENATE, FROM THE COMMITTEE ON FOREIGN RELATIONS, JANUARY 16, 1867.

THE following resolution was reported by Mr. Sumner, who asked the immediate action of the Senate upon it.

WHEREAS the traffic in laborers transported from China and other Eastern countries, known as the Coolie trade, is odious to the people of the United States as inhuman and immoral;

And whereas it is abhorrent to the spirit of modern international law and policy, which have substantially extirpated the African slave-trade, to permit the establishment in its place of a mode of enslaving men different from the former in little else than the employment of fraud instead of force to make its victims captive: Therefore

Be it resolved, That it is the duty of this Government to give effect to the moral sentiment of the Nation through all its agencies, for the purpose of preventing the further introduction of coolies into this hemisphere or the adjacent islands.

The resolution was adopted.

CHEAP BOOKS AND PUBLIC LIBRARIES.

REMARKS IN THE SENATE, ON AMENDMENTS TO THE TARIFF BILL REDUCING THE TARIFF ON BOOKS, JANUARY 24, 1867.

THE Senate having under consideration the bill to provide increased revenue from imports, Mr. Edmunds, of Vermont, moved to retain the following articles on the free list: —

"Books, maps, charts, and other printed matter, specially imported in good faith for any public library or society, incorporated or established for philosophical, literary, or religious purposes, or for the encouragement of the fine arts."

Mr. Sumner said: —

MR. PRESIDENT, — By the existing law, public libraries and literary societies receive books, maps, charts, and engravings free of duty. It is now proposed to change the law, so that public libraries and literary societies shall no longer receive books, maps, charts, and engravings free of duty. It is a little curious that the present moment is seized for this important change, which I must call retrogressive in character. It seems like going back to the Dark Ages. We made no such change during the war. We went through all its terrible trials and the consequent taxation without any such attempt. Now that peace has come, and we are considering how to mitigate taxation, it is proposed to add this new tax.

MR. HENDRICKS. Will the Senator allow me to ask whether he regards this bill as a mitigation of the taxes upon goods brought from foreign countries?

MR. SUMNER. I am not discussing the bill as a general measure.

MR. HENDRICKS. I thought the Senator spoke of the present effort to mitigate taxation.

MR. SUMNER. I believe I am not wrong, when I say there is everywhere a disposition to reduce taxation, whether on foreign or domestic articles. Such is the desire of the country and the irresistible tendency of things. But what must be the astonishment, when it appears, that, instead of reducing a tax on knowledge, you augment it!

I insist, that, in imposing this duty, you not only change the existing law, but you depart from the standing policy of republican institutions. Everywhere we have education at the public expense. The first form is in the public school, open to all. But the public library is the complement or supplement of the public school. As well impose a tax on the public school as on the public library.

I doubt if the Senate is fully aware of the number of public libraries springing into existence. This is a characteristic of our times. Nor is it peculiar to our country. Down to a recent day, public libraries were chiefly collegiate. In Europe they were collegiate or conventual. There were no libraries of the people. But such libraries are now appearing in England and in France. Every considerable place or centre has its library for the benefit of the neighborhood. But this movement, like every liberal tendency, is more marked in the United States. Here public libraries are coming

into being without number. The Public Library of Boston and the Astor Library of New York are magnificent examples, which smaller towns are emulating. In my own State there are public libraries in Lowell, Newburyport, New Bedford, Worcester, Springfield, — indeed, I might almost say in every considerable town. But Massachusetts is not alone. Public libraries are springing up in all the Northern States. They are now extending like a belt of light across the country. They are a new Zodiac, in which knowledge travels with the sun from east to west. Of course these are all for the public good. They are public schools, where every book is a schoolmaster. To tax such institutions now, for the first time, is a new form of that old enemy, a "tax on knowledge." Such is my sense of their supreme value that I would offer them bounties rather than taxes.

In continuation of this same hospitality to knowledge, I wish to go still further, and relieve imported books of all taxes, so far as not inconsistent with interests already embarked in the book business. For instance, let all books, maps, charts, and engravings printed before 1840 take their place on the free list. Publications before that time cannot come in competition with any interests here. The revenue they afford will be unimportant. The tax you impose adds to the burdens of scholars and professional men who need them. And yet every one of these books, when once imported, is a positive advantage to the country, by which knowledge is extended and the public taste improved. I would not claim too much for these instructive strangers belonging to another generation. I think I do not err in asking for them a generous welcome. But, above all, do not tax them.

It is sometimes said that we tax food and clothes, therefore we must tax books. I regret that food or clothes are taxed, because the tax presses upon the poor. But this is no reason for any additional tax. Reduce all such taxes, rather than add to them. But you will not fail to remember the essential difference between these taxes. In New England education from the beginning was at the public expense; and this has been for some time substantially the policy of the whole country, except so far as it was darkened by Slavery. Therefore I insist, that, because we tax food and clothes for the body, this is no reason why we should tax food and clothes for the mind.

The question, being taken by yeas and nays, resulted, — Yeas 22, Nays 13; so the amendment was adopted.

Mr. Sumner then moved to exempt "maps, charts, and engravings executed prior to 1840." He said that this amendment was naturally associated with that on which the Senate had just acted; that there could be no competition with anything at home.

In reply to Mr. Williams, of Oregon, Mr. Sumner again spoke.

MR. PRESIDENT, — There is no question of the exemption of those who are best able to pay these duties; it is simply a question of a tax on knowledge. The Senator by his system would shut these out from the country, and would say, "Hail to darkness!" I do not wish to repeat what I have so often said; but the argument of the Senator has been made here again and again, and heretofore, as often as made, I have undertaken to answer it. He says we put a tax on necessaries now, — on the food that fills the body, on the garments that clothe the body. I regret that we do. I wish we were in a condition to relieve the country of such taxation. But does not the Senator bear in

mind that he proposes to go further, and to depart from the great principle governing our institutions from the beginning of our history? We have had education free: in other words, we have undertaken to fill the mind and to clothe the mind at the public expense. We never did undertake to fill the body or to clothe the body at the public expense. Sir, as a lover of my race, I should be glad, could the country have clothed the body and filled the body at the public expense. I should be glad, had society been in such a condition that this vision could be accomplished; but we all know that it is not, and I content myself with something much simpler and more practical. I would aim to establish the principle which seems to have governed our fathers, and which is so congenial with republican institutions, that education and knowledge, so far as practicable, shall be free.

To make education and knowledge free, you must, so far as possible, relieve all books from taxation. I have already said that I did not propose to interfere with any of the practical interests of the book trade; but, where those interests are out of the way, I insist that the great principle of republican institutions should be applied. This is my answer to the Senator from Oregon. I fear he has not adequately considered the question. He has not brought to it that knowledge, that judgment, which always command my respect, as often as he addresses the Senate. He seems to have spoken hastily. I hope that he will withdraw, or at least relax, his opposition, and, revolving the subject hereafter, range himself, as he must, with his large intelligence, on the side of human knowledge.

Then, again, in reply to Mr. Conness, of California, Mr. Sumner remarked: —

It is because I hearken to the needs of my country that I make this proposition. I am not to be led aside by the picture of other necessities. I respect all the necessities of the people; but among the foremost are those of public instruction, and it is of those I am a humble representative on this floor. The Senator from California may, if he chooses, treat that representation with levity; he may announce himself an opponent of the policy which I would establish for my country; he may set himself against what I insist is a fundamental principle of republican institutions, that knowledge should not be taxed; he may go forth and ask for taxation on books and on public libraries, and, if he chooses, carry the principle still further, and tax the public school. He will then be consistent with himself. I hope that he will allow me to speak for what I believe the true need of the country.

The motion to exempt maps, charts, and engravings was rejected.

Mr. Sumner then moved to place on the free list "books printed prior to 1840." It being objected, that "the duty as already laid was very low, only 15 per cent.," — that "we have to look to revenue," — and that it was desirable "to have all the interests of the country taxed," — Mr. Sumner replied: —

Every argument for making the duty low is equally strong against having any duty on the subject. There is no reason that could have influenced the Committee in favor of reducing the duty which is not equally strong in favor of removing the duty. The Senator declares that the object is revenue. But the revenue that will come from this source is very small; it is not large enough to compensate for the mischief it will

cause. Sir, I believe all the conclusions of the best experienced in taxation are, that we should seek as much as possible to diminish the objects of taxation. Just in proportion as nations become experienced in imposing taxes do they limit the objects to which the taxes are applied. It seems to me we are strangely insensible to that lesson of history. We seem to be groping about and seizing hold of every little object, every filament, if I may so express myself, which we can grasp, in order to drag it into the sphere of taxation.

I think we should be better employed, if we declined to tax a large number of articles which it is proposed to tax, and brought our taxation to bear on a few important articles, which we should make contribute substantially to the resources of the country. The tax that is now proposed will contribute nothing of any real substance to the resources of the country, while to my view it is not creditable. I say it frankly, it is not creditable to the civilization of our age, and least of all is it creditable to the civilization of a republic.

Such is my conviction. As often as I have thought of this question, I cannot see it in any other light; and I do think that money derived from a tax on books can be vindicated only on the principle of the Roman emperor, "Money from any quarter, no matter what, for money does not smell."[1] Now it were better, if, instead of hunting up these several articles for tax-

[1] "Lucri bonus est odor, ex re
Qualibet." — JUVENAL, *Sat.* XIV. 204, 205.

An allusion to the familiar anecdote of Vespasian: "Reprehendenti filio Tito, quod etiam urinæ vectigal commentus esset, pecuniam ex prima pensione admovit ad nares, sciscitans, num odore offenderetur; et illo negante, 'Atqui,' inquit, 'e lotio est.'" — SUETONIUS, *Vespasianus*, c. 23. See the Commentators generally.

ation, running them down like game, to bag them in the public treasury, we should confine ourselves to the great subjects, and make them productive. There are enough of them, and in this way we can have revenue enough. I would have all the revenue we want; but, having it, be hospitable to literature, to knowledge, to art; and now let me say, be hospitable to books, because through books you will obtain what you desire in literature, in knowledge, and in art.

Mr. Kirkwood, of Iowa, thought Mr. Sumner ought to be content with what was done. "If he gets the rate reduced from 25 to 15 per cent., when the taxes on everything we eat and wear are being raised 20, 30, 40, or 50 per cent., I think that he ought to be content."

MR. SUMNER. Personally I am content with anything. I am trying to do what I think best for the people. I may be mistaken in my judgment; and when I see so many distinguished Senators so earnestly differing from me, I am led to call in question my conclusions; and yet considerable reflection and some experience in dealing with this question have always brought me more strongly than before to the same unalterable conclusion. I feel, that, in imposing this tax, you make a great mistake; because it is a bad example, and just to the extent of its influence keeps knowledge out of the country.

The motion of Mr. Sumner was rejected, — Yeas 5, Nays 32. Another motion by him, to exempt mathematical instruments and philosophical apparatus imported for societies, shared the same fate.

CHEAP COAL.

SPEECH IN THE SENATE, ON AN AMENDMENT TO THE TARIFF BILL, JANUARY 29, 1867.

JANUARY 29th, the Senate having under consideration the bill to provide increased revenue from imports, known as the Tariff Bill, Mr. Sumner moved the following: —

"On all bituminous coal mined and imported from any place not more than thirty degrees of longitude east of Washington, fifty cents per ton of twenty-eight bushels, eighty pounds to the bushel."

The effect of this amendment would be to reduce the duty from $1.50 to 50 cents a ton.

MR. PRESIDENT, — The object of the amendment is to bring the bill back where it was at first. The Senate will remember that in committee a motion prevailed by which the duty of 50 cents per ton on the coal mentioned was raised to $1.50. I am at a loss to understand the precise object of this increased tax on coal. There are strong reasons against any tax on coal; and the reasons are stronger still against this increased tax. Its movers must have an object. What is it?

It seems that there are imported into the United States about 500,000 tons, being 350,000 from the British Provinces and 150,000 from Great Britain; and this coal is to be taxed at the rate of $1.50 a ton in gold.

If the same amount of importation continued, this tax would yield $750,000 in gold, — a handsome addition to the revenue. But I am sure the tax is not imposed on this account. It is imposed with some vague hope of benefit to the coal interest. But here, as we look at it, we are mystified. Is it supposed that the price of coal throughout the country will be raised to this extent? The idea is monstrous. There are some 22,000,000 tons now produced, which, if raised in price according to this tax, will cost the country 33,000,000 gold dollars in addition to the present price. This might be advantageous to certain proprietors, but it must be damaging to the country. Nobody can expect this. The object, then, is something else. I will not say that it is merely to take advantage of the States that do not produce coal, for this would be sheer oppression. I suppose that it must be to exclude foreign coal, and to that extent open the market for domestic coal.

But this tax will be positively oppressive to coal-purchasers in New England, to say nothing of New York. Nature has denied coal to this region of country, — or rather, Nature has placed the natural supply for this region outside our political jurisdiction. It is in Nova Scotia, on the other side of our boundary line. Coal in abundance is there, easily accessible by water, and therefore transported at comparatively small cost. Another part of our country has a different supply. On the other side of the mountain-ridge separating the sea-coast from the valleys of the West is an infinite coal-field, the source of untold wealth, which, beginning in the mountains and filling West Virginia and Western Pennsylvania, stretches through the val-

ley of the Ohio, enriching the States that border upon it, and then, crossing the Mississippi, extends through other States beyond, even to Colorado. This is the greatest coal-field, as it is also the greatest corn-field, in the world. It is magnificent beyond comparison. This is the natural resource for the immense region west of the Alleghanies. But why should New England, which has a natural resource comparatively near at home, be compelled at great sacrifice to drag her coal from these distant supplies?

I hear of complaint at Pittsburg, where the price of coal is only two dollars a ton, currency. But imported coal in New England costs at the mine two dollars a ton, gold. Add three or four dollars a ton for freight. And now it is proposed to pile on this a duty of more than two dollars, currency. If Pittsburg complains of coal at two dollars a ton, what must Boston say, when you make it nine dollars? Is this just? Is it practically wise? But I forget: there can be no wisdom without justice.

If it be said that the interests of New England are protected even by the bill before the Senate, I have to say in reply, that no interest of hers is protected at the expense of the rest of the country. All that we ask is fair play. Let it be shown that there is any part of the country which will suffer from the favor accorded to New England as her coal-purchasers must suffer from the favor accorded to the distant coal-owners of the mountains, and I will do what I can to see justice done. I ask nothing but that justice which I am always willing to accord. We constitute parts of one country with common interests, and the prosperity of each is bound up in the prosperity of all.

It is said that this proposed tax will be of advantage to the Cumberland coal in the mountains of Maryland. Perhaps; but not to any considerable extent. I understand that not more than 60,000 tons of Nova Scotia coal are imported in competition with that of Cumberland. This is mainly at Providence, where it is used in the manufacture of iron. But the Cumberland coal is so completely adapted to glass-works, railways, ocean steamships, blacksmiths' forges, that it may be said to command the market exclusively. Nature has given to it this monopoly. Why not be content?

There are peculiar reasons why coal should be cheap, whether viewed as a necessary or as a motive power. As a necessary, it enters into the comforts of life; as a motive power, it is the substitute for water-power. What reason can you give for a tax on motive power from coal which is not equally strong for a tax on motive power from water, unless it be that one is "black" and the other is "white"? I plead that you shall not needlessly add to the public burden in a particular portion of the country. I have alluded to the cheapness of coal at Pittsburg. In other places it is cheaper still. At Pomeroy, in Ohio, it is $1.40 a ton, and at Cumberland itself it is $1.50 a ton, always currency; and yet New England is to pay $1.50 tax, gold, being more than the coal is worth to its producer, besides the large cost of transportation.

Next after the industry of a people is cheap coal, as an element of national prosperity. Without it, even industry will lose much of its activity and variety. It is coal that has vitalized and quickened all the mighty energies of England. From coal have come all the vari-

ous products of her manufactories, and these again have furnished the freights for her ships, so that she has become not only a great manufacturing nation, but also a great commercial nation. Coal is the author of all this. Coal is the fuel under the British pot which makes it boil. It ought to do the same for us, and even more, if you will let it. Therefore I end as I began, — tax coal as little as possible.

In reply especially to Mr. Reverdy Johnson, of Maryland, and Mr. Sherman, of Ohio, Mr. Sumner said: —

. . . . .

Now, without following the Senator from Kentucky [Mr. DAVIS] in that proposition, I do insist, that, on articles of prime necessity, we should reduce taxation where we can. Therefore, when the Senator from Ohio tells me, that, if my proposition is adopted, we shall lose a certain amount of revenue derived from coal, I have an easy reply. Very well, — let us lose that amount of revenue derived from coal. You ought not to obtain it; coal ought not to be one of your taxed articles. So far as possible, coal should be cheap. That is the proposition with which I began and ended; and if I do not impress that upon the Senate, I certainly fail in what I attempted.

MR. GRIMES [of Iowa]. Why should it be cheap?

MR. SUMNER. Because it enters into the necessaries of life, and because it is a motive power that works our manufactories.

. . . . .

I say that the article is necessary to us in New England. It enters into our daily life,— into the economies of every house, into the expenses of every citizen. It enters, therefore, into the welfare of the com-

munity; and you cannot tax coal without making the whole community feel it, whether rich or poor. Every poor man feels it. If I said the rich man felt it, you would reply, "That makes no difference; let him feel it." I insist that every poor man feels it; and I insist further, that all who are interested in the manufactures of the country necessarily feel it, — not only producers and owners, but all who use the products of their looms. I say, that, as a motive power, it should be made cheap and kept cheap. Now the apparent policy is, to make it dear and keep it dear.

MR. HENDRICKS [of Indiana]. I like the Senator's argument just where he is now; but I wish to ask him whether, if by a tariff you raise the price of every yard of cheap woollen goods and cheap cotton goods, it is not a direct tax on the labor of the poor man of the West, who has to buy them?

MR. CRESWELL [of Maryland, to Mr. Sumner]. That is the application of your argument.

MR. SUMNER. The Senator from Maryland says that is the application of my argument. Pardon me, not at all; because the tax on cotton and on woollen goods — I have had very little to do with imposing any such tax — is not oppressive on any part of the country, nor does it bear hard on the constituents of the Senator, or on the constituents of any Senator on this floor; whereas the increase of the tax on coal will bear hard upon a whole community, and upon all its interests; and that is the precise difference between the two cases.

The Senator from Ohio seemed to speak of this with perfect tranquillity, as if there were nothing in it oppressive, or even open to criticism. He thought we might tax coal as we tax any other article. I differ

from him. I do not think you should tax coal as you tax other articles; and, further, I do not think you should impose any tax bearing with special hardship, so as to be something akin to injustice, on any particular part of our country. That is my answer to the argument of the Senator from Maryland, and to the inquiry of the Senator from Indiana.

Mr. Creswell replied warmly, criticizing Mr. Sumner, saying, among other things, —

"The distinguished Senator from Massachusetts has treated us to a Free-Trade speech in the Senate of the United States. The commentary of the Senator from Indiana was just and correct; it was a deduction that he had a right logically to make; and I tell the Senator from Massachusetts that his course in the Senate to-day is in its effects a better Free-Trade speech than has ever been made in any of the Middle States during the last ten years."

Mr. Wilson, of Massachusetts, united with Mr. Sumner.

The amendment was lost, — Yeas 11, Nays 25.

A SINGLE TERM FOR THE PRESIDENT, AND CHOICE BY DIRECT VOTE OF THE PEOPLE.

REMARKS IN THE SENATE, ON AN AMENDMENT OF THE NATIONAL CONSTITUTION, FEBRUARY 11, 1867.

THE Senate had under consideration an Amendment to the National Constitution, reported by the Judiciary Committee, as follows: —

"No person elected President or Vice-President, who has once served as President, shall afterward be eligible to either office."

Mr. Fessenden, of Maine, thought that the words "who has once served as President" should be struck out. Mr. Williams, of Oregon, suggested: "No person who has once served as President shall afterward be eligible to either office." Mr. Poland, of Vermont, moved, as a substitute, the following: —

"The President and Vice-President of the United States shall hereafter be chosen for the term of six years; and no person elected President or Vice-President, who has once served as President, shall afterward be eligible to either office."

Mr. Sumner said: —

I AGREE with the Senator from Maryland [Mr. JOHNSON], so far as I was able to follow his remarks. It seems to me it would be better, if the term of the President were six years rather than four. I regretted that the report of the Committee did not embody such a change. I am therefore thankful to the Senator from Vermont, who by his motion gives us an opportunity to vote on that proposition.

But allow me to go a little further, and there I should like the attention of my friend opposite [Mr. JOHNSON]. If the term of the President is to be six years, should we not abolish the office of Vice-President? Are you willing to take the chance of a Vice-President becoming President a few weeks after the beginning of the six years' term, and then serving out that full term? We all know, in fact, that the Vice-President is nominated often as a sort of balance to the President. It is too much with a view to certain political considerations, and possibly to aid the election of the President, rather than to secure the services of one in all respects competent to be President. Suppose, therefore, we have a President only, and leave to Congress the provision for a temporary filling of the office, as now on the disability of the President and Vice-President.

I throw out these views without making any motion. I submit that we do not meet all the difficulties of the present hour, unless we go still further and provide against abnormal troubles from the nomination of a Vice-President selected less with reference to fitness than to transient political considerations. As my friend says, he is thrown in for a make-weight, and then, in the providence of God, the make-weight becomes Chief Magistrate. It seems to me important, that, if possible, we should provide against the recurrence of such difficulties.

But suppose the proposition of the Committee to stand as reported, I am brought then to the question raised by the Senator from Maine [Mr. FESSENDEN], whether it should be applicable to a Vice-President in the providence of God called to be President. On

that point I am obliged to go with the Committee. It seems to me that the evil we wish to guard against in the case of the President naturally arises in the case of a Vice-President who becomes President. I say this on the reason of the case, and then I say it on our melancholy experience. The three cases in our history which distinctly teach the necessity of the Amendment before us are of three Vice-Presidents who in the providence of God became Presidents. But for these three cases, nobody would have thought of change. It is to meet the difficulties found to arise from a Vice-President becoming President, and then hearkening to the whisperings and temptations which unhappily visit a person in his situation, that we have been led to contemplate the necessity of change. I hope, therefore, if the proposition of the Senator from Vermont [Mr. POLAND] is not taken as a substitute, that the words of the Committee will be preserved.

I am disposed to go still further. I would have an additional Amendment, — one that has not appeared in this discussion, though not unknown in this Chamber, for distinguished Senators who once occupied these seats have more than once advocated it, — I mean an Amendment providing for the election of President directly by the people, without the intervention of Electoral Colleges. Such an Amendment would give every individual voter, wherever he might be, a positive weight in the election. It would give minorities in distant States an opportunity of being heard in determining who shall be Chief Magistrate. Now they are of no consequence. Such an Amendment would be of peculiar value. It would be in harmony, too, with those ideas, belonging to the hour, of the unity

of the Republic. I know nothing that would contribute more to bring all the people, to mass all the people, into one united whole, than to make the President directly eligible by their votes. But no such proposition is before us, nor is there any such proposition as I have alluded to with regard to the office of Vice-President. I hope, however, that these subjects will not be allowed to pass out of mind, and that some time or other we shall be able to act on them in a practical way.

After debate, the question was dropped without any vote.

RECONSTRUCTION AT LAST WITH COLORED SUFFRAGE AND PROTECTION AGAINST REBEL INFLUENCE.

SPEECHES IN THE SENATE, ON THE BILL TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES, FEBRUARY 14, 19, AND 20, 1867.

THE subject of Reconstruction was uppermost during the present session, sometimes in Constitutional Amendments and sometimes in measures of legislation.

February 13th, the Senate received from the House of Representatives a bill "to provide for the more efficient government of the Insurrectionary States," which, after various changes, was finally passed under the title of "An Act to provide for the more efficient government of the Rebel States," being the most important measure of legislation in the history of Reconstruction. As this bill came from the House it was a military bill, creating five military districts in the South, without any requirement with regard to suffrage, and with no exclusion of Rebels. Mr. Bingham, of Ohio, and Mr. Blaine, of Maine, announced in the House amendments requiring in the new constitutions "that the elective franchise shall be enjoyed by all male citizens of the United States twenty-one years old and upward, without regard to race, color, or previous condition of servitude, except such as may be disfranchised for participating in the late Rebellion or for felony at Common Law." But they had not been able to obtain a direct vote; nor was there any exclusion of Rebels in their propositions. Mr. Stevens, of Pennsylvania, said: —

"The amendment of the gentleman from Maine [Mr. BLAINE] lets in a vast number of Rebels and shuts out nobody. All I ask is, that, when the House comes to vote upon that amendment, it shall understand that the adoption of it would be an entire surrender of those States into the hands of the Rebels."

About this time the House passed what was known as the Louisiana Bill, being a bill providing for the reconstruction of that State, with all necessary machinery, not unlike the bill introduced on the first day of the preceding session, "to enforce the guaranty of a republican form of government in certain States whose governments have been usurped or overthrown."[1] The two bills together would have made a complete system of Protection, and the second, when extended to all the States, a complete system of Reconstruction.

February 14th, Mr. Sumner said: —

I AM in favor of each of these bills. Each is excellent. One is the beginning of a true Reconstruction; the other is the beginning of a true Protection. Now in these Rebel States there must be Reconstruction and there must be Protection. Both must be had, and neither should be antagonized with the other. The two should go on side by side, — guardian angels of the Republic. Never was Congress called to consider measures of more vital importance. I am unwilling to discriminate between the two. I accept them both with all my heart, and am here now to sustain them by my constant presence and vote.

But, Sir, what we know as the Louisiana Bill came into this Chamber first; it was first made familiar to us; it has precedence. On that account it seems to me it ought to come up first, it ought to lead the way. I am not going to say that this is better than the other, or that the other is better than this. Each is good; and yet, I doubt not, each is susceptible of amendment. The Senator from Maine [Mr. FESSENDEN] has already foreshadowed an important amendment on the bill reported by the Committee of which he is Chairman; I have already sent to the Chair an amendment which at the

[1] *Ante*, Vol. X. pp. 21, seqq.

proper time I may move on the other bill. But I desire to make one remark with regard to amendments. I am so much in earnest for the passage of these bills, that I shall cheerfully forego any amendment of my own, if I find it to be the general sentiment of those truly in earnest for the bills that we ought not to attempt amendments. If, however, amendments seem to be preferable, then I shall propose those I have sent to the Chair.

February 15th, the Senate began the consideration of the Military Bill, continuing in session until three o'clock in the morning of the next day. Speeches and motions showed great differences on the subject. Some were content with a purely military bill, contemplating simply the protection of the people in the Rebel States. Others wished to add measures of Reconstruction; and here again there were differences. Some were content with the requirement of suffrage without distinction of color in the new constitutions, making no provision for the exclusion of Rebels, leaving the organization in the hands of the existing electors, and providing, that, on the adoption of the Constitutional Amendment, and of a State constitution securing equal suffrage, any such State should be entitled to representation in Congress.

In the hope of putting an end to these differences, a caucus of Republican Senators was held the next forenoon, when a committee was appointed, as follows: Mr. Sherman, of Ohio, Mr. Fessenden, of Maine, Mr. Howard, of Michigan, Mr. Harris, of New York, Mr. Frelinghuysen, of New Jersey, Mr. Trumbull, of Illinois, and Mr. Sumner, to consider the pending bill and amendments and report to the caucus. The committee withdrew from the Senate, leaving a Senator making a long and elaborate speech, and proceeded with their work. The House bill was taken as the basis, and amended in several particulars, to which Mr. Sumner afterwards alluded in the Senate. An effort by Mr. Sumner to require equal suffrage found no favor; nor did what was known as the Louisiana Bill, which he proposed as a substitute; nor an effort to exclude Rebels. He felt it his duty to say to the committee, that, on the making of the report, he should appeal to the caucus, which he did. The caucus, by 15 Yeas to 13 Nays, — Senators standing to be counted, — voted to require equal suffrage in the choice of the constitutional conventions; also in the

new constitutions, and in their ratification. But the bill was left without any exclusion of Rebels, and with the declaration, that, doing these things and ratifying the Amendment to the National Constitution, a State should be entitled to representation in Congress. In these latter respects it seemed to Mr. Sumner highly objectionable.

The vote of the caucus to require suffrage without distinction of color seemed a definitive settlement of that question for the Rebel States. At that small meeting, and by those informal proceedings, this great act was accomplished. For Mr. Sumner it was an occasion of especial satisfaction, as his long-continued effort was crowned with success. These volumes show how, by letter, speech, resolution, and bill, he had constantly maintained this duty of Congress. His bill, introduced on the first day of the preceding session, "to enforce the guaranty of a republican form of government in certain States whose governments have been usurped or overthrown," contained the specific requirement now adopted, while the debates on the Louisiana Bill,[1] the Colorado Bill,[2] the Nebraska Bill,[3] and the Constitutional Amendment,[4] attested his endeavor to apply this requirement.

During the evening session, Mr. Sherman, chairman of the caucus committee, moved the bill accepted by the caucus, as a substitute for the House bill. It was understood that it would receive the support of the Republican Senators without further amendment, and, as they constituted a large majority, its passage was sure. Under these circumstances, Mr. Sumner left the Chamber at midnight. The vote was taken a little after six o'clock, Sunday morning, — Yeas 29, Nays 10.

In the other House, the substitute of the Senate was the occasion of decided differences, not unlike those in the Senate on the House bill. Many felt that the Unionists were left without adequate protection. Mr. Stevens, of Pennsylvania, after saying that the Senate had sent "an amendment which contains everything else but protection," exclaimed: "Pass this bill and you open the flood-gates of misery, — you disgrace, in my judgment, the Congress of the United States." Mr. Boutwell, of Massachusetts, said: "My objection to the proposed substitute of the Senate is fundamental, it is conclusive. It provides, if not in terms, at least in fact, by the measures which it proposes, to reconstruct those State governments at once through the agency of disloyal men." Mr. Williams, of Pennsylvania, said: "We sent to the Senate a proposition to meet the necessities of the hour, which was Protection without Reconstruction, and it sends back another, which is Reconstruction without Protection." At length, on motion of Mr. Ste-

[1] *Ante*, Vol. IX pp. 311, seqq.
[2] *Ante*, Vol. X. pp. 346, seqq.
[3] *Ante*, Vol. X pp. 504, seqq.
[4] *Ante*, Vol. X. pp. 115, seqq.

vens, the House refused to concur in the amendment of the Senate, and asked a committee of conference on the disagreeing votes of the two Houses.

February 19th, the excitement of the House was again transferred to the Senate, where Mr. Williams, of Oregon, moved that the Senate insist upon its amendment, and agree to the conference. An earnest debate ensued, in which Mr. Sumner favored the conference committee, and also explained what he wished to accomplish by the bill. Mr. Williams withdrew his motion, when Mr. Sherman moved that the Senate insist on its amendment to the House bill and that the House be informed thereof. Mr. Trumbull sustained the motion. Mr. Sumner followed.

MR. PRESIDENT, — In what the Senator from Illinois [Mr. TRUMBULL] has said of the failure by the President to discharge his duties under existing laws I entirely agree. He touches the case to the quick. It is impossible not to see that the special difficulty of the present moment springs from the bad man who sits in the executive chair. He is the centre of our woes. More than once before I have recalled the saying of Catholic Europe, "All roads lead to Rome." So now, among us, do all roads lead to the President. We attempt nothing which does not bring us face to face with him, precisely as during the Rebellion we attempted nothing which did not bring us face to face with Jefferson Davis. I mention this, not to deter, but for encouragement. We have already conquered the chief of the Rebellion. I doubt not that we shall conquer his successor also. But this can be only by strenuous exertion. It is no argument against legislation that the President will not execute it. We must do our duty, and insist always that he shall do his.

Therefore I am in favor of some measure of Reconstruction, the best we can secure, the more thorough

the better. And I ask you to take such steps as will best accomplish this result. There is a difference between the two Houses, and at this stage the customary proceeding is a conference committee. But the Senator from Illinois is against any such committee in a case of such magnitude. To my mind his argument should be directed against the rule of Parliamentary Law which provides a conference committee at this precise stage of parliamentary proceedings. Let him move to change the Parliamentary Law, so that in cases of peculiar importance the common rule shall cease to be applicable. Let this be his thesis. But, so long as the *Lex Parliamentaria* exists, I submit that it is hardly reasonable to resist its application, especially when the House has asked a conference committee on a bill of theirs which you have amended.

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I differ from the Senator [Mr. SHERMAN, of Ohio] radically, when he intimates that the bill needs only "slight" amendments. With this opinion I can understand that he should urge a course which I fear may cut off amendments to me essential.

Mr. President, I would speak frankly of this measure, which has in it so much of good and so much of evil. Rarely have good and evil been mixed on such a scale. Look at the good, and you are full of grateful admiration. Look at the evil, and you are impatient at such an abandonment of duty. Much is gained, but much is abandoned. You have done much, but you have not done enough. You have left undone things which ought to be done. The Senator from Maine [Mr. FESSENDEN] was right in asking more. I agree with him. I ask more. All the good of the bill cannot make me

forget its evil. It is very defective. It is horribly defective. Too strong language cannot be used in characterizing a measure with such fatal defects. But nobody recognizes more cordially than myself the good it has. Pardon me, if I do my best to make it better.

This is the original House bill for the military government of the Rebel States, revised and amended by the Senate in essential particulars. As it came from the House it was excellent in general purpose, but imperfect. It was nothing but a military bill, providing protection for fellow-citizens in the Rebel States. Unquestionably it was improved in the Senate. It is easy to mention its good points, for these are conspicuous and seem like so many monuments.

Throughout the bill, in its title, in its preamble, and then again in its body, the States in question are designated as "Rebel States." I like the designation. It is brief and just. It seems to justify on the face any measure of precaution or security. It teaches the country how these States are to be regarded for the present. It teaches these States how they are regarded by Congress. "Rebel States": I like the term, and I am glad it is repeated. God grant that the time may come when this term may be forgotten! but until then we must not hesitate to call things by their right names.

More important still is the declaration in the preamble, that "no legal State governments" now exist in the enumerated Rebel States. This is a declaration of incalculable value. For a long time, too long, we have hesitated; but at last this point is reached, destined to be "the initial point" of a just Reconstruction. For a long time, again and again, I have insisted that those governments are *illegal*. Strangely, you would not say

so. The present bill fixes this starting-point of a true policy. If the existing governments are "illegal" you have duties with regard to them which cannot be postponed. You cannot stop with this declaration. You must see that it is carried out in a practical manner. In other words, you must brush away these illegal governments, the spawn of Presidential usurpation, and supply their places. The illegal must give place to the legal; and Congress must supervise and control the transition. The bill has a special value in the obligations it imposes upon Congress. Let it find a place in the statute-book, and your duties will be fixed beyond recall.

Another point is established which in itself is a prodigious triumph. As I mention it, I cannot conceal my joy. It is the direct requirement of universal suffrage, without distinction of race or color. This is done by Act of Congress, without Constitutional Amendment. It is a grand and beneficent exercise of existing powers, for a long time invoked, but now at last grasped. No Rebel State can enjoy representation in Congress, until it has conferred the suffrage upon all its citizens, and fixed this right in its constitution. This is the Magna Charta you are about to enact. Since Runnymede, there has been nothing of greater value to Human Rights.

To this enumeration add that the bill is in its general purposes a measure of protection for loyal fellow-citizens trodden down by Rebels. To this end, the military power is set in motion, and the whole Rebel region is divided into districts where the strong arm of the soldier is to supply the protection asked in vain from illegal governments.

Look now at the other side, and you will see the defects. By an amendment of the Senate, the House bill, which was merely a military bill for protection, has been converted into a measure of Reconstruction. But it is Reconstruction without machinery or motive power. There is no provision for the initiation of new governments. There is no helping hand extended to the loyal people seeking to lay anew the foundations of civil order. They are left to grope in the dark. This is not right. It is a failure on the part of Congress, which ought to preside over Reconstruction and lend its helping hand, by securing Education and Equal Rights to begin at once, and by appointing the way and the season in which good citizens should proceed in creating the new governments.

I cannot forget, also, that there is no provision by which the freedmen can be secured a freehold for themselves and their families, which has always seemed to me most important in Reconstruction.

But all this, though of the gravest character, is dwarfed by that other objection which springs from the present toleration of Rebels in the copartnership of government. Here is a strange oblivion, showing a strange insensibility.

The Senator from Illinois [Mr. TRUMBULL] argued that the bill would put the new governments into loyal hands. Has he read it? My precise objection is, that it does not put the government into loyal hands. Look at it carefully, and you will see this staring you in the face at all points. While requiring suffrage for all, without distinction of race or color, it leaves the machinery and motive power in the hands of the existing governments, which are conducted by Rebels. There-

fore, under this bill, Rebels will initiate and conduct the work of Reconstruction, while loyal citizens stand aside. The President once said, "For the Rebels back seats." This bill says, "For the loyal citizens back seats." Nobody is disfranchised. There is no traitor, red with loyal blood, who may not play his part and help found the new government. The bill excepts from voting only "such as *may be* disfranchised for participation in the Rebellion." It does not require that any body shall be disfranchised, but leaves this whole question to the existing government, who will, of course, leave the door wide open.

Looking at this feature, I cannot condemn it too strongly. It is true that suffrage is at last accorded to the colored race; but their masters are left in power to domineer, and even to organize. With experience, craft, and determined purpose, there is too much reason to fear that all safeguards will be overthrown, and the Unionist continue the victim of Rebel power. This must not be. And you must interfere in advance to prevent it. You must exercise a just authority in disfranchising dangerous men. On this point there must be no uncertainty, no "perhaps." It is not enough to say that Rebels *may be* disfranchised; you must say *must*. Without this is surrender.

Such a surrender Congress cannot make. Therefore do I rejoice with my whole heart that the House of Representatives has given to the Senate the opportunity of reconsidering its action and taking the proper steps for amending the bill. The new governments must be on a loyal basis. Loyal people must be protected against Rebels. Here I take my stand. I plead for those good people, who have suffered as people never

suffered before. I appeal to you as Senators not to miss this precious opportunity. Take care that the bill is amended, so that it may be the fountain of peace, and not the engine of discord and oppression.

Mr. Sherman followed in an earnest speech, in the course of which the following passage occurred.

MR. SHERMAN. The Senator from Massachusetts now for the first time in the Senate has stated his opposition to this bill.

MR. SUMNER. Allow me to correct the Senator. The Senator was not here, when, at two o'clock in the morning, I denounced this amendment as I have to-day, and much more severely.

MR. SHERMAN. He now states that the ground of his opposition is, that the bill does not disfranchise the whole Rebel population of the Southern States.

MR. SUMNER. I beg the Senator's pardon. I take no such ground. I say it does not provide proper safeguards against the Rebel population. I have not opened the question to what extent the disfranchisement should go.

The motion of Mr. Sherman was agreed to, and the bill, with the Senate amendment, was returned to the House, which proceeded promptly to its consideration. The substitute of the Senate was concurred in, with a further amendment, — (1.) excluding from the conventions, and also from voting, all persons excluded from holding office under the recent Constitutional Amendment; (2.) declaring civil governments in the Rebel States provisional only and subject to the paramount authority of the United States; (3.) conferring the elective franchise upon all, without distinction of color, in elections under such provisional governments; and (4.) disqualifying all persons from office under provisional government who are disqualified by the Constitutional Amendment. The vote of the House was, — Yeas 128, Nays 46.

February 20th, in the Senate, Mr. Williams moved concurrence with the House amendments. After brief remarks by Mr. Sherman, Mr. Sumner said: —

I DIFFER from the Senator [Mr. SHERMAN], when he calls this a small matter. It is a great matter.

I should not say another word but for the singular speech of the Senator yesterday. He made some-

thing like an assault on me, because I required the very amendments the House have now made; and yet he is to support them. I am glad the Senator has seen light; but he must revise his speech of yesterday. The Senator shakes his head. What did I ask? What did I criticize? It was, that the bill failed in safeguard against Rebels. I did not say how many to exclude. I only said some must be excluded, more or less. None were excluded. That brought down the cataract of speech we all enjoyed, when the Senator protested with all the ardor of his nature, and invoked the State of Ohio behind him to oppose the proposition of the Senator from Massachusetts. And now, if I understand the Senator from Ohio, he is ready to place himself side by side with the Senator from Massachusetts in support of the amendment from the House embodying this very proposition. I am glad the Senator is so disposed. I rejoice that he sees light. To-morrow I hope to welcome the Senator to some other height.

MR. COWAN [of Pennsylvania]. Excelsior!

MR. SUMNER. And I hope the word may be applicable to my friend from Pennsylvania also. [*Laughter.*]

But there was another remark of the Senator which struck me with astonishment. He complained that I demanded these safeguards now, and said that I had already in the bill all that I had ever demanded before, — that universal suffrage, without distinction of race or color, was secured; and, said he, "the Senator from Massachusetts has never asked anything but that." Now I can well pardon the Senator for igno-

rance with regard to what I have said or asked on former occasions. I cannot expect him to be familiar with it. And yet, when he openly arraigns me with the impetuosity of yesterday, I shall be justified in showing how completely he was mistaken.

Here Mr. Sumner referred to his speech before the Massachusetts Republican State Convention, September 14, 1865, entitled "The National Security and the National Faith, Guaranties for the National Freedman and the National Creditor," and showed how completely at that time he had anticipated all present demands.[1] He then continued: —

And yet, when I simply insisted upon some additional safeguard against the return of Rebels to power, the Senator told us that I was asking something new. Thank God, the other House has supplied the very protection which I desired; it has laid the foundation of a true peace. That foundation can be only on a loyal basis.

Two Presidents — one always to be named with veneration, another always most reluctantly — have united in this sentiment. Abraham Lincoln insisted that the new governments should be founded on loyalty; that, if there were only five thousand loyal persons in a State, they were entitled to hold the power. His successor adopted the same principle, when, in different language, he compendiously said, "For the Rebels back seats." What is now required could not be expressed better. "For the Rebels back seats," until this great work of Reconstruction is achieved.

Mr. Sherman, and Mr. Stewart, of Nevada, spoke especially in reply to Mr. Sumner, congratulating him upon his acceptance of the result. Mr. Sumner followed.

[1] *Ante*, Vol. IX. pp. 469-471.

I AM sorry to say another word; and yet, if silent, I might expose myself to misunderstanding. I accept the amendments from the other House as the best that can be had now; but I desire it distinctly understood that I shall not hesitate to insist at all times upon applying more directly and practically the true principles of Reconstruction. There is the Louisiana Bill on our table. The time, I presume, has passed for acting on it at this session; but in the earliest days of the next session I shall press that subject as constantly as I can. I believe you owe it to every one of these States to supply a government in place of that you now solemnly declare illegal. In such a government you will naturally secure a true loyalty, and I wish to be understood as not in any way circumscribing myself by the vote of to-day.

It may be that it will be best to require of every voter the same oath required of all entering Congress, which we know as the test oath. At least something more must be done; there must be other safeguards than those supplied by this very hasty and crude act of legislation. I accept it as containing much that is good, some things infinitely good, but as coming short of what a patriotic Congress ought to supply for the safety of the Republic.

Let it be understood, then, that I am not compromised by this bill, or by blandishments of Senators over the way [Messrs. SHERMAN and STEWART]. I listen to them of course with pleasure, and to all their expressions of friendship I respond with all my heart. I like much to go with them; but I value more the safety of my country. When Senators, even as powerful as the Senator from Ohio and the Senator from Nevada, take a

course which seems to me inconsistent with the national security, they must not expect me to follow.

After further debate, late in the evening of February 20th the vote was reached, and the House amendments were concurred in, — Yeas 35, Nays 7. The effect of this was to pass the bill.

March 2d, the bill was vetoed. The House, on the same day, by 138 Yeas to 51 Nays, and the Senate, by 38 Yeas to 10 Nays, passed the bill by a two-thirds vote, notwithstanding the objections of the President, so that it became a law.[1]

[1] Statutes at Large, Vol. XIV. pp. 428-430.

THE DEPARTMENT OF EDUCATION.

REMARKS IN THE SENATE, ON THE BILL TO ESTABLISH A DEPARTMENT OF EDUCATION, FEBRUARY 26, 1867.

MR. PRESIDENT, — I am unwilling that this bill should be embarrassed by any question of words. I am for the bill in substance, whatever words may be employed. Call it a bureau, if you please, or call it a department; I accept it under either designation. The Senator from Connecticut [Mr. DIXON] has not too strongly depicted the necessity of the case. We are to have universal suffrage, a natural consequence of universal emancipation; but this will be a barren sceptre in the hands of the people, unless we supply education also. From the beginning of our troubles, I have foreseen this question. Through the agency and under the influence of the National Government education must be promoted in the Rebel States. To this end we need some central agency. This, if I understand it, is supplied by the bill before us.

Call it a bureau or a department; but give us the bill, and do not endanger it, at this moment, in this late hour of the session, by unnecessary amendment. Sir, I would, if I could, give it the highest designation. If there is any term in our dictionary that would impart peculiar significance, I should prefer that. In-

deed, I should not hesitate, could I have my way, to place the head of the Department of Education in the Cabinet of the United States, — following the practice of one of the civilized governments of the world. I refer to France, which for years has had in its Cabinet a Minister of Education. But no such proposition is before us. The question is simply on a name; and I hope we shall not take up time with regard to it.

The bill passed both Houses of Congress, and became a law.[1]

[1] Statutes at Large, Vol. XIV. p. 434.

MONUMENTS TO DECEASED SENATORS.

REMARKS IN THE SENATE, ON A RESOLUTION DIRECTING THE ERECTION OF SUCH MONUMENTS, FEBRUARY 27, 1867.

MR. POLAND, of Vermont, introduced a resolution directing the Sergeant-at-Arms of the Senate to see that monuments were placed in the Congressional burial-ground, in memory of Senators who had died at Washington since July 4, 1861. On the question of taking up this resolution for consideration, Mr. Sumner remarked: —

ORIGINALLY there was a reason for these monuments. Senators and Representatives dying here found their last home in the Congressional burial-ground, and these monuments covered their remains. At a later day, with increasing facilities of transportation, the custom of burial here has ceased; but the monuments, being only cenotaphs, were continued until 1861, when this custom was suspended. Meantime Death has not been less busy here, and the question is, whether the former custom shall be revived, and cenotaphs be placed in an unvisited burial-ground, to mark the spot where the remains of a Senator might have been placed, had they not been transported to repose among his family, kindred, and neighbors.

I cannot but think that the suspension of this custom of monuments, which occurred at the beginning of the war, was notice or indication that the occasion for them

had passed; and I doubt sincerely the expediency of reviving the custom, unless where an associate is actually buried here. If those dying here, but buried elsewhere, are to be commemorated by Congress in any monumental form, it seems to me better that it should be a simple tablet of stone or brass in the Capitol, where it would be seen by the visitors thronging here, and perhaps arrest the attention of their successors in public duty, teaching how Death enters these Halls. But why place an unsightly cenotaph in a forlorn burial-ground, — I may add, at considerable cost? I cannot doubt that the time has come for this expense to cease.

The resolution was referred to the Committee on the Contingent Expenses of the Senate.

A VICTORY OF PEACE.

SPEECH IN THE SENATE, ON A JOINT RESOLUTION GIVING THE THANKS OF CONGRESS TO CYRUS W. FIELD, MARCH 2, 1867.

BY a joint resolution introduced by Mr. Morgan, of New York, the President was requested "to cause a gold medal to be struck, with suitable emblems, devices, and inscription, to be presented to Mr. Field," and to "cause a copy of this joint resolution to be engrossed on parchment, and transmit the same, together with the medal, to Mr. Field, to be presented to him in the name of the people of the United States of America."

March 2d, the joint resolution was considered. After a speech from Mr. Morgan, Mr. Sumner said: —

MR. PRESIDENT, — I rejoice in every enterprise by which human industry is quickened and distant places are brought near together. In ancient days the builders of roads were treated with godlike honor. I offer them my homage now. The enterprise which is to complete the railroad connection between the Pacific and the Atlantic belongs to this class. But this is not so peculiar and exceptional as that which has already connected the two continents by a telegraphic wire. It is not so historic. It is not itself so great an epoch.

It is not easy to exaggerate the difficulty or the value of the new achievement.

The enterprise was original in its beginning and in every stage of its completion. It began by a telegraph

line connecting St. John's, the most easterly port of America, with the main continent. This was planned at the house of Cyrus W. Field, by a few gentlemen, among whom were Peter Cooper, Moses Taylor, Marshall O. Roberts, and David Dudley Field. New York and St. John's are about twelve hundred miles apart. When these two points were brought into telegraphic association, the first link was made in the chain destined to bind the two continents together. Out of this American beginning sprang efforts which ended in the oceanic cable.

In other respects our country led the way. The first soundings across the Atlantic were by American officers in American ships. The United States ship Dolphin first discovered the telegraphic plateau as early as 1853, and in 1856 the United States ship Arctic sounded across from Newfoundland to Ireland, a year before Her Majesty's ship Cyclops sailed the same course.

It was not until 1856 that this American enterprise showed itself in England, where it was carried by Mr. Field. Through his energies the Atlantic Telegraphic Company was organized in London, with a board of directors composed of English bankers and merchants, among whom was an American citizen, George Peabody. By conjoint exertions of the two countries the cable was stretched from continent to continent in 1858. Messages of good-will traversed it. The United States and England seemed to be near together, while Queen and President interchanged salutations. Then suddenly the electric current ceased, and the cable became a lifeless line. The enterprise itself hardly lived. But it was again quickened into being, and finally car-

ried to a successful close. British capital, British skill, contributed largely, and the society had for its president an eminent Englishman, the Right Honorable James Stuart Wortley; but I have always understood that our countryman was the mainspring. His confidence never ceased; his energies never flagged. Twelve years of life and forty voyages across the Atlantic were woven into this work. He was the Alpha and the Omega of a triumph which has few parallels in history.

Englishmen who took an active part in this enterprise have received recognition and honor from the sovereign. Some have been knighted, others advanced in service. Meanwhile Cyrus W. Field, who did so much, has remained unnoticed by our Government. He has been honored by the popular voice, but it remains for Congress to embody this voice in a national testimonial. If it be said that there is no precedent for such a vote, then do I reply that his case is without precedent, and we must not hesitate to make a precedent by this expression of national gratitude. Thanks are given for victories in war: give them now for a victory of peace.

The joint resolution passed both Houses without a division, and was approved by the President.[1]

[1] Statutes at Large, Vol. XIV. p. 574.

FURTHER GUARANTIES IN RECONSTRUCTION.

LOYALTY, EDUCATION, AND A HOMESTEAD FOR FREEDMEN; MEASURES OF RECONSTRUCTION NOT A BURDEN OR PENALTY.

RESOLUTIONS AND SPEECHES IN THE SENATE, MARCH 7 AND 11, 1867.

MARCH 7th, the following resolutions were introduced by Mr. Sumner, and on his motion ordered to lie on the table and be printed.

"RESOLUTIONS declaring certain further guaranties required in the Reconstruction of the Rebel States.

"*Resolved*, That Congress, in declaring by positive legislation that it possesses paramount authority over the Rebel States, and in prescribing that no person therein shall be excluded from the elective franchise by reason of race, color, or previous condition, has begun the work of Reconstruction, and has set an example to itself.

"*Resolved*, That other things remain to be done, as clearly within the power of Congress as the elective franchise, and it is the duty of Congress to see that these things are not left undone.

"*Resolved*, That among things remaining to be done are the five following.

"First. Existing governments, now declared illegal, must be vacated, so that they can have no agency in Reconstruction, and will cease to exercise a pernicious influence.

"Secondly. Provisional governments must be constituted as temporary substitutes for the illegal governments, with special authority to superintend the transition to permanent governments republican in form.

"Thirdly. As loyalty beyond suspicion must be the basis of permanent governments republican in form, every possible precaution must be adopted against Rebel agency or influence in the formation of these governments.

"Fourthly. As the education of the people is essential to the national welfare, and especially to the development of those principles of justice

and morality which constitute the foundation of republican government, and as, according to the census, an immense proportion of the people in the Rebel States, without distinction of color, cannot read and write, therefore public schools must be established for the equal good of all.

"Fifthly. Not less important than education is the homestead, which must be secured to the freedmen, so that at least every head of a family may have a piece of land.

"*Resolved*, That all these requirements are in the nature of guaranties to be exacted by Congress, without which the United States will not obtain that security for the future which is essential to a just Reconstruction."

March 11th, on motion of Mr. Sumner, the Senate proceeded to consider the resolutions. Mr. Williams, of Oregon, was not prepared to vote on these resolutions until they had received the consideration of some committee, and he moved their reference to the Committee on the Judiciary.

Mr. Sumner said: —

MR. PRESIDENT,—The Senator from Oregon has made no criticism on the resolutions, but nevertheless he objects to proceeding with them now; he desires reference, he would have the aid of a committee, before he proceeds with their consideration. If I can have the attention of the Senator, it seems to me that this will be as good as a committee. The resolutions are on the table; they are plain; they are unequivocal; they are perfectly intelligible; and they make a declaration of principle and of purpose which at this moment is of peculiar importance.

Congress has undertaken to provide for the military government of the Rebel States, and has made certain requirements with regard to Reconstruction, and there it stops. It has presented no complete system, and it has provided no machinery. From this failure our friends at the South are at this moment in the greatest anxiety. They are suffering. Former Rebels, or persons representing the Rebellion, are moving under our

bill to take a leading part. Already the Legislature of Virginia, packed by Rebels, full of the old Rebel virus, has undertaken to call a convention under our recent Act. Let that convention be called, and what is the condition of those friends to whom you owe protection? Unless I am misinformed by valued correspondents, the position of our friends will be very painful. I have this morning a letter from Mr. Botts, — I mention his name because he is well known to all of us, and I presume he would have no objection to being quoted on this floor, — in which he entreats us to provide some protection for him and other Unionists against efforts already commenced by Rebels or persons under Rebel influence.

I am anxious for practical legislation to that end; but, to pave the way for such legislation, I would have Congress, at the earliest possible moment, make a declaration in general terms of its purposes. The Senator says these resolutions do not propose practical legislation. I beg the Senator's pardon: they do not propose what we call legislation, but they announce to these Rebel States what we propose to do; they foreshadow the future; they give notice; they tell the Rebels that they are not to take part in Reconstruction; and they tell our friends and the friends of the Union that we mean to be wakeful with regard to their interests. Such will be their effect. They are in the nature of a declaration. At the beginning of the war there was a declaration, which has been often quoted in both Houses, with regard to the purposes of the war. Very often in times past declarations of policy were made in one House or the other, and sometimes by concurrent resolutions of the two Chambers. If the occasion requires,

the declaration ought to be made. In common times and under ordinary circumstances there would be no occasion for such a declaration, but at this moment there seems peculiar occasion; you must give notice; and the failure of our bill to meet the present exigency throws this responsibility upon us.

The next question is as to the character of the notice. It begins in its title by declaring that certain further guaranties are required in the Reconstruction of the Rebel States. Can any Senator doubt that such guaranties are required? I submit that on that head there can be no question. I am persuaded that my excellent friend from Oregon will not question that general statement.

Mr. Sumner then took up the several points of the resolutions in order and explained them. Coming to that declaring the necessity of a homestead for the freedman, he proceeded: —

I believe that all familiar with the processes of Reconstruction have felt that our work would be incomplete, unless in some way we secured to the freedman a piece of land. Only within a few days, gentlemen fresh from travel through these States have assured me, that, as they saw the condition of things there, nothing pressed upon their minds more than the necessity of such a provision. The more you reflect upon it, and the more you listen to evidence, the stronger will be your conclusion as to this necessity.

Do you ask as to the power of Congress? Again I say, you find it precisely where you found the power to confer universal suffrage. To give a homestead will be no more than to give a vote. You have done the one, and now you must do the other. We are told that to him that hath shall be given; and as you have

already given the ballot, you must go further, and give not only education, but the homestead. Nor can you hesitate for want of power. The time for hesitation has passed.

MR. FESSENDEN [of Maine]. I should like to ask my friend a question, with his permission.

MR. SUMNER. Certainly.

MR. FESSENDEN. The Senator put the granting of the ballot on the ground that without it the Government would not be republican in form, as I understood his argument.

MR. SUMNER. Yes.

MR. FESSENDEN. Now I should like to know if he puts the possession by every man of a piece of land on the same ground.

MR. SUMNER. I do not.

MR. FESSENDEN. The Senator assimilated the two, and said, that, having done the one, we must do the other. I supposed, perhaps, the same process of reasoning applied to both.

MR. SUMNER. No; the homestead stands on the necessity of the case, to complete the work of the ballot.

MR. GRIMES [of Iowa]. Have we not done that under the Homestead Law?

MR. SUMNER. The freedmen are not excluded from the Homestead Law; but I would provide them with a piece of land where they are.

MR. FESSENDEN. That is more than we do for white men.

MR. SUMNER. White men have never been in slavery; there is no emancipation and no enfranchisement of white men to be consummated. I put it to my friend, I ask his best judgment, can he see a way to complete and crown this great and glorious work without securing land? My friend before me [Mr. GRIMES] asks,

"How are we to get the land?" There are several ways. By a process of confiscation we should have had enough; and I have no doubt that the country would have been better, had the great landed estates of the South been divided and subdivided among the loyal colored population. That is the judgment of many Unionists at the South. I say nothing on that point; but clearly there are lands through the South belonging to the United States, or that have fallen to the United States through the failure to pay taxes. It has always seemed to me that in the exercise of the pardoning power it would have been easy for the President to require that the person who was to receive a pardon should allot a certain portion of his lands to his freedmen. That might have been annexed as a condition. A President properly inspired, and disposed to organize a true Reconstruction, could not have hesitated in such a requirement. That would have been a very simple process. I am aware that Congress cannot affect the pardoning power; but still I doubt not there is something that can be done by Congress. Where Congress has done so much, I am unwilling to believe it cannot do all that the emergency requires. Let us not shrink from the difficulties. With regard to the homestead there may be difficulties, but not on that account should we hesitate. We must assure peace and security to these people, and, to that end, consider candidly, gently, carefully, the proper requirements, and then fearlessly provide for them.

There is still another, which I have not named in these resolutions, though I have employed it in the careful and somewhat extended Reconstruction Bill which I have laid on the table of the Senate, and which some

time I may try to call up for discussion, — and that is, the substitution of the vote by ballot for the vote *viva voce.* Letters from Virginia, and also from other parts of the South, all plead for this change. They say, that, so long as the vote *viva voce* continues, it will be difficult for the true Union men to organize; they will be under check and control from the Rebels. I have a letter, received only this morning, from a Unionist, from which I will read a brief passage.

. . . . .

Now does my excellent friend from Oregon, who wishes to bury this effort in a committee, doubt the concluding resolution? Can he hesitate to say that every one of these requirements is in the nature of a guaranty, without which we shall not obtain that complete security for the future which our country has a right to expect? There they are. That the illegal governments must be vacated. Who can doubt that? That provisional governments must be constituted as temporary substitutes for the illegal governments. Who can doubt that? That the new governments must be founded on an unalterable basis of loyalty, and to that end no Rebels must be allowed to exert influence or agency in the formation of the new governments. Who can doubt that? Then, again, education: who can doubt? Certainly not my friend from Oregon: he will not doubt the importance of education as a corner-stone of Reconstruction. It is a golden moment. We have the power. Let us not fail to exercise it. Exercising it now, we can shape the destinies of that people for the future. There remains the homestead. I see the practical difficulties; but I do not despair. Let us apply ourselves to them, and I do not doubt that we can secure sub-

stantially to every head of a family among the freedmen a piece of land, and we may then go further, and, in the way of machinery, provide a vote by ballot instead of a vote *viva voce*.

Now I insist that all these are in the nature of guaranties of future peace, and we should not hesitate in doing all within our power to secure them. I hope, therefore, that Senators will act on these resolutions without reference to a committee. I see no occasion for a reference. There is one objection, at least, on the face: it will cause delay. Let these resolutions be adopted and go to the country, and you will find that the gratitude of the American people, and of all Union men at the South, will come up to Congress for your act.

Mr. Dixon, of Connecticut, deprecated the adoption of the resolutions. The bill recently passed "purported to be final. . . . . It provided certain terms, harsh and severe in the extreme, upon which the States formerly in rebellion should be restored to the Union." He then remarked: "These resolutions come from the right quarter. Whatever may be my opinion of his [Mr. SUMNER's] political views, I will say for that Senator, that for the last two years he has been prophetic; what he has announced, what he has declared, what he has said must be law, has become law upon many subjects. . . . . Let us know what is coming; let us see the worst. . . . . While I was very glad to find — if I understood them correctly — that the Senator from Maine [Mr. FESSENDEN] and some other Senators about me did not coincide with the views of the Senator from Massachusetts, I could not forget that two years ago I heard a Senator on this floor say that upon another subject there was not a single Senator here who agreed with the Senator from Massachusetts; and yet upon that very subject I believe every Senator on the majority side of the Senate now, if not at heart concurring with him, acts and votes with him."

Mr. Sherman, of Ohio, opposed the resolutions. It seemed to him "not exactly fair or just or ingenuous to the Southern people to add new terms, or require of them additional guaranties, as conditions to the admission of representation."

Mr. Reverdy Johnson, of Maryland, voted for the recent bill because he thought he saw in opinions of Mr. Sumner, "and a few others who concur with him, that, if the measure then before the Senate was not adopted, harsher, much harsher, measures would in the end be exacted of the South."

Mr. Frelinghuysen, of New Jersey, thought the resolutions "unfair to Congress and unfair to the country."

Mr. Sumner said in reply: —

THE objects which I seek in Reconstruction are regarded in very different lights by myself and by Senators who have spoken. The Senator from New Jersey, the Senator from Maryland, and the Senator from Ohio all regard these requirements as in the nature of burdens or penalties. Education is a burden or penalty; a homestead is a burden or penalty. It is a new burden or penalty which I am seeking — so these distinguished Senators argue — to impose upon the South. Are they right, or am I right? Education can never be burden or penalty. Justice in the way of a homestead can never be burden or penalty. Each is a sacred duty which the nation owes to those who rightfully look to us for protection.

Now, at this moment, in the development of events, the people at the South rightfully look to us for protection. They rightfully look to us, that, in laying the foundation-stone of future security, we shall see that those things are done which will make the security real, and not merely nominal. And yet, when I ask that the security shall be real, and not merely nominal, I am encountered by the objection that I seek to impose new burdens, — that I am harsh. Sir, if I know my own heart, I would not impose a burden upon any human being. I would not impose a burden even upon those who have trespassed so much against the Repub-

lic. I do not seek their punishment. Never has one word fallen from my lips asking for their punishment, for any punishment of the South. All that I ask is the establishment of human rights on a permanent foundation. Is there any Senator who differs from me? I am sure that my friend from Ohio seeks the establishment of future security; but he will allow me to say, that to my mind he abandons it at the beginning, — he fails at the proper moment to require guaranties without which future security will be vain.

This is not the first time that the Senator from Ohio has set himself against fundamental propositions of Reconstruction. When, now more than four years ago, I had the honor of introducing into this Chamber a proposition declaring the jurisdiction of Congress over this whole question, and over the whole Rebel region, I was met by the Senator, who reminded me that I was alone, and did not hesitate to say that my position was not unlike that of Jefferson Davis.

Here Mr. Sumner sent to the desk the speech of Mr. Sherman, April 2, 1862, and the Secretary read what he said of Mr. Sumner's position.

I have not called attention to these remarks in any unkind spirit, for I have none for the Senator; I have no feeling but kindness and respect for him; but as I listened to him a few minutes ago, remonstrating against the position I now occupy, I was carried back to that early day when he remonstrated, if possible, more strenuously against the position I then occupied. I had the audacity then to assert the paramount power of Congress over the whole Rebel region. That was the sum and substance of my argument; and you have heard the answer of the Senator. And now, in the

lapse of time, the Senator has ranged himself by my side, voting for that measure of Reconstruction which is founded on the jurisdiction of Congress over the whole Rebel region.

As time passed, the subject assumed another character. It was with regard to the suffrage. A year ago I asserted on this floor that we must give the suffrage to all colored persons by Act of Congress and without Constitutional Amendment, founding myself on two grounds. One was the solemn guaranty in the Constitution of a republican form of government; and I undertook to show that any denial of rights on account of color was unrepublican to such extent that the government sanctioning it could not be considered in any just sense republican. I then went further, and insisted, that, from the necessity of the case, at the present moment, Congress must accord the suffrage to all persons at the South, without distinction of color. I argued that the suffrage of colored citizens was needed to counterbalance the suffrage of the Rebels.[1] One year has passed, and now, by Act of Congress, you have asserted the very power which the Senator from Ohio, and other distinguished Senators associated with him, most strenuously denied. That Senator and other Senators insisted that it could be only by Constitutional Amendment. I insisted that it could be under the existing text of the Constitution; nay, more, that from the necessity of the case it must be in this way. And in this way it has been done.

But, in doing it, you have unhappily failed to make proper provision for enforcing this essential security.

[1] Speech on "The Equal Rights of All," February 5, 6, 1866: *ante*, Vol. X. pp. 115, seqq.

You have provided no machinery, and you have left other things undone which ought to be done. And now, urging that these things should be done, I am encountered again by my friend from Ohio, whom I had encountered before on these other cardinal propositions; and he now, just as strenuously as before, insists that it is not within our power or province at this moment to make any additional requirements of the Rebel States. He is willing that the bill in certain particulars shall be amended. I do not know precisely to what extent he would go; but he will make no additional requirements, as he expresses it, in the nature of burdens. Sir, I make no additional requirements in the nature of burdens. I have already said, I impose no burdens upon any man; but I insist upon the protection of rights. And now, at this moment, as we are engaged in this great work of Reconstruction, I insist that the work shall be completely done. It will not be completely done, if you fail to supply any safeguards or precautions that can possibly be adopted.

A great orator has told us that he had but one lamp by which his feet were guided, and that was the lamp of experience[1] There is one transcendent experience, commanding, historic, which illumines this age. It is more than a lamp; it is sunshine. I mean the example afforded by the Emperor of Russia, when he set free twenty million serfs. Did he stop with their freedom? He went further, and provided for their education, and also that each should have a piece of land. And now, when I ask that my country, a republic, heir of all the ages, foremost in the tide of time, should do on this ques-

[1] Patrick Henry, Speech in the Virginia Convention, March 23, 1775: Wirt's Life of Henry (3d edit.), p. 120.

tion only what the Emperor of Russia has done, I am met by grave Senators with the reproach that I am imposing new burdens. It is no such thing. I am only asking new advantages for all in that distracted region, with new securities for my country, to the end that it may be safe, great, and glorious.

After remarks by Mr. Howard, of Michigan, the resolutions, on motion of Mr. Frelinghuysen, were laid on the table, — Yeas 36, Nays 10.

March 12th, the resolutions were again considered, when Mr. Morton, of Indiana, spoke in favor of education, and Mr. Howe, of Wisconsin, sustained the resolutions generally.

July 3d, Mr. Sumner made another attempt to have them considered, speaking specially upon the importance of a homestead for freedmen.

GENEROSITY FOR EDUCATION.

SPEECH IN THE SENATE, ON A JOINT RESOLUTION GIVING THE THANKS OF CONGRESS TO GEORGE PEABODY, MARCH 8, 1867.

MARCH 5th, Mr. Sumner asked, and by unanimous consent obtained, leave to bring in the following joint resolution, which was read twice and ordered to be printed.

"JOINT RESOLUTION presenting the thanks of Congress to George Peabody.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the thanks of Congress be, and they hereby are, presented to George Peabody, of Massachusetts, for his great and peculiar beneficence in giving a large sum of money, amounting to two million dollars, for the promotion of education in the more destitute portions of the Southern and Southwestern States, the benefits of which, according to his direction, are to be distributed among the entire population, without any distinction, except what may be found in needs or opportunities of usefulness.

"SEC. 2. *And be it further enacted,* That it shall be the duty of the President to cause a gold medal to be struck, with suitable devices and inscriptions, which, together with a copy of this resolution, shall be presented to Mr. Peabody in the name of the people of the United States."

March 8th, on motion of Mr. Sumner, the joint resolution was taken up for consideration, when the latter said: —

MR. PRESIDENT, — I hope sincerely that there can be no question on this resolution. It expresses the thanks of Congress for an act great in itself, and also great as an example.

I recall no instance in history where a private person during life has bestowed so large a sum in charity.

Few after death have done so much. The bequest of Smithson, which Congress accepted with honor, and made the foundation of the institution bearing his name and receiving our annual care, was much less than the donation of Mr. Peabody for purposes of education in the South and Southwestern States, to be distributed among the whole population, without any distinction other than needs or opportunities of usefulness to them.

I hail this benefaction as of especial value now: first, as a contribution to education, which is a sacred cause never to be forgotten in a republic; secondly, as a charity to a distressed part of our country which needs the help of education; and, thirdly, as an endowment for the equal benefit of all, without distinction of caste. As it is much in itself, so I cannot but think it will be most fruitful as an example. Individuals and communities will be moved to do more in the same direction, and impartial education may be added to recent triumphs.

I am not led to consider the difference between the widow's mite and the rich man's endowment, except to remark, that, when a charity is so large as to become historic, it is necessarily taken out of the category of common life. Standing apart by itself, it challenges attention and fills the mind, receiving homage and gratitude. Such, I am sure, has been the prevailing sentiment of our country toward Mr. Peabody. In voting this resolution, Congress will only give expression to the popular voice.

I should be sorry to have it understood that the thanks of Congress can be won only in war. Peace also has victories deserving honor. A public benefac-

tor is a conqueror in the perpetual conflict with evil. He, too, meets the enemy face to face. Let him also have the reward of victory.

Already in England our benefactor has signalized himself by a generous endowment of the poor. The sum he gave was large, but not so large as he has given for education in our country. The sentiments of the British people found expression through the Queen, who honored him with a valuable present, her own portrait, and an autograph letter declaring her grateful sense of his beneficence. Kindred sentiments may justly find expression through Congress, which is empowered to write the autograph of the American people.

If it be said that such a vote is without precedent, I reply that this is a mistake. You voted thanks to Mr. Vanderbilt for the present of a steamer, and to Mr. Field for generous enterprise in establishing the telegraphic cable between the two continents. But even if there were no precedent, then, do I say, make a precedent. Your vote will be less unprecedented than his generosity.

At this moment, when we are engaged in the work of Reconstruction, this endowment for education in the Southern and Southwestern States is most timely. Education is the foundation-stone of that Republican Government we seek to establish. On this account, also, I would honor the benefactor.

I have not asked a reference to a committee, because it seemed that the resolution was of such a character that the Senate would be glad to act upon it directly. The thanks we offer will be of more value, if promptly offered.

The joint resolution was adopted by the Senate, — Yeas 36, Nays 2. March 13th it passed the House unanimously, was approved by the President, and became a law.[1]

[1] Statutes at Large, Vol. XV. p. 20.

RECONSTRUCTION AGAIN.

THE BALLOT AND PUBLIC SCHOOLS OPEN TO ALL.

Speeches in the Senate, on the Supplementary Reconstruction Bill, March 15 and 16, 1867.

To counteract the malign influence of President Johnson, and to protect the public interest jeopardized by his conduct, Congress provided for a session to commence March 4, 1867, immediately after the expiration of its predecessor. The new Congress was signalized by a second Reconstruction Bill, "supplementary to an Act to provide for the more efficient government of the Rebel States," passed March 2, 1867, which was promptly introduced into the House of Representatives and passed.

As early as March 13th, the House bill was reported to the Senate from the Judiciary Committee, with a substitute, and for several days thereafter it was considered. Among the various amendments moved was one by Mr. Drake, of Missouri, providing that the registered electors should declare, by their votes of "Convention" or "No Convention," whether a convention to frame a constitution should be held, which was rejected, — Yeas 17, Nays 27.

March 15th, Mr. Fessenden, of Maine, moved an amendment, that the commanding general should furnish a copy of the registration to the Provisional Government of the State; and whenever thereafter the Provisional Government should by legal enactment provide that a convention should be called, the commanding general should then direct an election of delegates. In the debate on this proposition, Mr. Sumner said: —

MR. PRESIDENT, — In voting on the proposition of the Senator from Maine, I ask myself one question: How would the Union men of the South vote, if they had the privilege? They are unrepresented. We here ought to be the representatives of the unrepresented. How, then, would the Union men of the South vote on the proposition of the Senator? I cannot doubt, that, with one voice, they would vote No. They would not trust their fortunes in any way to the existing governments of the Rebel States. Those governments have been set up in spite of the Union men, and during their short-lived existence they have trampled upon Union men and upon their rights. That region might be described as bleeding at every pore, and much through the action of the existing governments, owing their origin to the President. So long as they continue, their influence must be pernicious. I hear, then, the voice of every Union man from every one of the Rebel States coming up to this Chamber and entreating us to refuse all trust, all power, to these Legislatures. I listen to their voice, and shall vote accordingly.

But I feel, nevertheless, that something ought to be done in the direction of the proposition of the Senator from Maine. I listened to his remarks, and in their spirit I entirely concur; but it seems to me that his argument carried us naturally to the proposition of the Senator from Missouri. To my mind, that proposition is founded in good sense, in prudence, in a just economy of political forces. It begins at the right end. It begins with the people. The Senator proposes that the new governments, when constituted, shall stand on that

broad base. The proposition of the Committee stands the pyramid on its apex. I am therefore for the proposition of the Senator from Missouri, and I hope that at the proper time he will renew it, and give us another opportunity of recording our votes in its favor.

The amendment of Mr. Fessenden was rejected, — Yeas 14, Nays 33.

March 16th, Mr. Sumner moved to insert "all" before "electors," and to substitute "registered" for "qualified," so as to read, "ratified by a majority of the votes of all the electors registered as herein specified." After debate, the amendment was rejected, — Yeas 19, Nays 25.

Mr. Drake subsequently renewed his rejected amendment, with a modification that the result should be determined by a majority of those voting, and it was adopted. Mr. Conkling, of New York, moved to reconsider the last vote, so as to provide that the result should be determined by a majority of all the votes registered, instead of a majority of all the votes given. On this motion, Mr. Sumner remarked: —

I SAID nothing, when the question was up before; but I cannot allow the vote to be taken now without expressing in one word the ground on which I shall place my vote.

We have just come out from the fires of a terrible Rebellion, and our special purpose now is to set up safeguards against the recurrence of any such calamity, and also for the establishment of peace and tranquillity throughout that whole region. There is no Senator within the sound of my voice who is not anxious to see that great end accomplished. How shall it be done? By founding government on a majority or on a minority? If these were common times, then I should listen to the argument of the Senator from Missouri [Mr. DRAKE], and also of the Senator from Indiana [Mr. MORTON], to the effect that the government might be founded on a majority of those who actually vote, al-

though really a minority of the population; but at this moment, when we are seeking to recover ourselves from the Rebellion, and to guard against it in future, I cannot expose the country to any such hazard. I would take the precaution to found government solidly, firmly, on a majority, — not merely a majority of those who vote, but a majority of all registered voters. Then will the government be rooted and anchored in principle, so that it cannot be brushed aside. How was it when the Rebellion began? Everything was by minorities. A minority in every State carried it into rebellion. I would have the new government planted firmly on a majority, so that it can never again be disturbed. I can see no real certainty of security for the future without this safeguard.

The motion to reconsider prevailed, — Yeas 21, Nays 18; but the amendment of Mr. Conkling was rejected, — Yeas 17, Nays 22, — when Mr. Drake's amendment was again adopted. Then, on motion of Mr. Edmunds, of Vermont, it was provided "that such convention shall not be held, unless a majority of all such registered voters shall have voted on the question of holding such convention," — Yeas 21, Nays 18.

Mr. Drake then moved to require in the new constitutions, "that, at all elections by the people for State, county, or municipal officers, the electors shall vote by ballot," and this was adopted, — Yeas 22, Nays 19. Mr. Trumbull, of Illinois, at once moved to reconsider the last vote, and was sustained by Mr. Williams, of Oregon, Mr. Stewart, of Nevada, and Mr. Morton, of Indiana. Mr. Sumner sustained the amendment.

MR. PRESIDENT, — The argument of the Senator from Oregon proceeds on the idea that this is a small question. He belittles it, and then puts it aside. He treats it as of form only, and then scorns it. Sir, it may be a question of form, but it is a form vital to the substance, vital to that very suffrage which the Senator

undertakes to vindicate. Does the Senator know that at this moment the special question which tries British reformers is the ballot? To that our heroic friend, John Bright, has dedicated his life. He seeks to give the people of England vote by ballot. He constantly looks to our country for the authority of a great example. And now the Senator is willing to overturn that example. I will not, by my vote, consent to any such thing. I would reinforce the liberal cause, not only in my own country, but everywhere throughout the world; and that cause, I assure you, is staked in part on this very question.

No, Sir, — it is not a small question. It cannot be treated as trivial. It is a great question. Call it, if you please, a question of form; but it is so closely associated with substance that it becomes substance. I hope the Senate will not recede from the generous and patriotic vote it has already given. I trust it will stand firm. Ask any student of republican institutions what is one of their admitted triumphs, and he will name the vote by ballot. There can be no doubt about it. Do not dishonor the ballot, but see that it is required in the constitutions of these Rebel States. The Senator from Oregon raises no question of power. Congress has the power. That is enough. You must exercise it.

Mr. Drake then modified his amendment, so that, instead of "all elections by the people for State, county, or municipal officers," it should read, "all elections by the people," and it was rejected, — Yeas 17, Nays 22. Mr. Sumner then remarked: —

THE Senate has been occupied for two days in the discussion of questions, many merely of form. I propose now to call attention to one of substance, with which, as I submit, the best interests of the Rebel

States and of the Republic at large are connected. I send to the Chair an amendment, to come in at the end of section four.

The Secretary read the proposed amendment, as follows: —

"*Provided*, That the constitution shall require the Legislature to establish and sustain a system of public schools open to all, without distinction of race or color."

Mr. Sumner proceeded to say: —

MR. PRESIDENT, — I shall vote for this bill, — not because it is what I desire, but because it is all that Congress is disposed to enact at the present time. I do not like to play the part of Cassandra, — but I cannot forbear declaring my conviction that we shall regret hereafter that we have not done more. I am against procrastination. But I am also against precipitation. I am willing to make haste; but, following the ancient injunction, I would make haste slowly: in other words, I would make haste so that our work may be well done and the Republic shall not suffer. Especially would I guard carefully all those who justly look to us for protection, and I would see that the new governments are founded in correct principles. You have the power. Do not forget that duties are in proportion to powers.

I speak frankly. Let me, then, confess my regret that Congress chooses to employ the military power for purposes of Reconstruction. The army is for protection. This is its true function. When it undertakes to govern or to institute government, it does what belongs to the civil power. Clearly it is according to the genius of republican institutions that the military should be subordinate to the civil. *Cedant arma togæ*

is an approved maxim, not to be disregarded with impunity. Even now, a fresh debate in the British Parliament testifies to this principle. Only a fortnight ago, the Royal Duke of Cambridge, cousin to the Queen, and commander of the forces, used these words: —

"The practice of calling out troops to quell civil disturbances is exceedingly objectionable; *but it must not be forgotten that the initiative in such cases is always taken by the civil authorities themselves.*"[1]

This declaration, though confined to a particular case, embodies an important rule of conduct, which to my mind is of special application now.

By the system you have adopted, the civil is subordinate to the military, and the civilian yields to the soldier. You accord to the army an "initiative" which I would assure to the civil power. I regret this. I am unwilling that Reconstruction should have a military "initiative." I would not see new States born of the bayonet. Leaving to the army its proper duties of protection, I would intrust Reconstruction to provisional governments, civil in character and organized by Congress. You have already pronounced the existing governments illegal. Logically you should proceed to supply their places by other governments, while the military is in the nature of police, until permanent governments are organized, republican in form and loyal in character. During this transition period, permanent governments might be matured on safe foundations and the people educated to a better order of things. As the twig is bent the tree inclines: you may now bend the twig. These States are like a potter's vessel: you may mould them to be vessels of honor or of dishonor.

[1] Speech in the House of Lords, on Troops at Elections, March 1, 1867: Times, March 2.

From the beginning I have maintained these principles. Again and again I have expressed them in the Senate and elsewhere. At the last session I insisted upon the Louisiana Bill in preference to the Military Bill. In the earliest moments of the present session I introduced a bill of my own, prepared with the best care I could bestow, in which was embodied what seemed to me a proper and practical system of Reconstruction, with provisional governments to superintend the work and pave the way for permanent governments. This measure, which I now hold in my hand, is entitled "A Bill to guaranty a republican form of government in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas, and to provide for the restoration of these States to practical relations with the Union." Its character is seen in its title. It is not a military bill, or a bill to authorize Reconstruction by military power; but it is a bill essentially civil from beginning to end.

The principles on which this bill proceeds appear in its preamble, which, with the permission of the Senate, I will read.

"Whereas in the years 1860 and 1861 the inhabitants of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas changed their respective constitutions so as to make them repugnant to the Constitution of the United States;

"And whereas the inhabitants of these States made war upon the United States, and after many battles finally surrendered, under the rules and usages of war;

"And whereas the inhabitants of these States, at the time of their surrender, were without legal State governments, and, as a rebel population, were without authority to form legal

State governments, or to exercise any other political functions belonging to loyal citizens, and they must so continue until relieved of such disabilities by the law-making power of the United States;

"And whereas it belongs to Congress, in the discharge of its duties under the Constitution, to secure to each of these States a republican form of government, and to provide for the restoration of each to practical relations with the Union;

"And whereas, until these things are done, it is important that provisional governments should be established in these States, with legal power to protect good citizens in the enjoyment of their rights, and to watch over the formation of State governments, so that the same shall be truly loyal and republican: Therefore" ——

With this preamble, exhibiting precisely the necessity and reasons of Reconstruction, the bill begins by declaring that the provisional governments shall convene on the fourth Monday after its passage, and shall continue until superseded by permanent governments, created by the people of these States respectively, and recognized by Congress as loyal and republican. It then establishes an executive power in each State, vested in a governor appointed by the President by and with the advice and consent of the Senate, and not to be removed except by such advice and consent. The legislative power is vested in the governor and in thirteen citizens, called a legislative council, appointed by and with the advice and consent of the Senate, and not to be removed except by such advice and consent. All these, being officers of the United States, must take the test oath prescribed already by Act of Congress; and the bill adds a further oath to maintain a republican form of government, as follows: —

"I do hereby swear (or affirm) that I will at all times use my best endeavors to maintain a republican form of government in the State of which I am an inhabitant and in the Union of the United States; that I will recognize the indissoluble unity of the Republic, and will discountenance and resist any endeavor to break away or secede from the Union; that I will give my influence and vote to strengthen and sustain the National credit; that I will discountenance and resist every attempt, directly or indirectly, to repudiate or postpone, in any part or in any way, the debt which was contracted by the United States in subduing the late Rebellion, or the obligations assumed to the Union soldiers; that I will discountenance and resist every attempt to induce the United States or any State to assume or pay any debt or obligation incurred in aid of rebellion against the United States, or any claim for the loss or emancipation of any slave; that I will discountenance and resist all laws making any distinction of race or color; that I will give my support to education and the diffusion of knowledge by public schools open to all; and that in all ways I will strive to maintain a State government completely loyal to the Union, where all men shall enjoy equal protection and equal rights."

I know well the whole history of oaths, and how often they are the occasion of perjury by the wholesale. But I cannot resist the conclusion that at this moment, when we are taking securities for the future, we ought to seize the opportunity of impressing upon the people fundamental principles on which alone our Government can stand You may exclude Rebels; but their children, who are not excluded, have inherited the Rebel spirit. The schools and colleges of the South have been nurseries of Rebellion. I would exact from all seeking the public service, or even the elective franchise, a pledge to support a republican government;

and to make this pledge perfectly clear, so that all may understand its extent, I would enumerate the points which are essential. If a citizen cannot give this pledge, he ought to have no part in Reconstruction. He must stand aside.

From this requirement the bill proceeds to enumerate certain classes excluded from office and also from the elective franchise. This is less stringent than what is known as the Louisiana Bill. It does not exclude citizens who have not held office, unless where they have left their homes within the jurisdiction of the United States and passed within the Rebel lines to give aid and comfort to the Rebellion, — or where they have voluntarily contributed to any loan or securities for the benefit of any of the Rebel States or the central government thereof, — or where, as authors, publishers, editors, or as speakers or preachers, they have encouraged the secession of any State or the waging of war against the United States.

The bill then provides for executive and judicial officers, and for their salaries, under the provisional government; also for grand and petit juries; also for a militia. But all officers, jurors, and militiamen must take the oath that they are not in the excluded classes, and also the oath to support a republican form of government.

The bill then annuls existing legislatures; also the acts of conventions which framed ordinances of secession, and the acts of legislatures since, subject to certain conditions; and it provides that the judgments and decrees of court, which have not been voluntarily executed, and which have been rendered subsequently to the date of the ordinance of secession, shall be subject

to appeal to the highest court in the State, organized after its restoration to the Union. Safeguards like these seem essential to the protection of the citizen.

The bill does what it can for education by requiring —

"That it shall be the duty of the governor and legislative council in each of these States to establish public schools, which shall be open to all, without distinction of race or color, to the end, that, where suffrage is universal, education may be universal also, and the new governments find support in the intelligence of the people."

Such are the provisional governments.

The bill then provides for permanent governments republican and truly loyal. For this purpose the governor must make a registration of male citizens twenty-one years of age, of whatever color, race, or former condition, and, on the completion of this register, invite all to take the oath that they are not in the excluded classes, and also the oath to maintain a republican form of government; and if a majority of the persons duly registered shall take these oaths, then he is to order an election for members of a convention to frame a State constitution. Nobody can vote or sit as a member of the convention except those who have taken the two oaths; but no person can be disqualified on account of race or color. All qualified as voters are eligible as members of the convention.

The constitution must contain in substance certain fundamental conditions, never to be changed without consent of Congress: —

First, That the Union is perpetual;

Secondly, That Slavery is abolished;

Thirdly, That there shall be no denial of the elective franchise, or of any other right, on account of race or color, but all persons shall be equal before the law;

Fourthly, That the National debt, including pensions and bounties to Union soldiers, shall never be repudiated or postponed;

Fifthly, That the Rebel debt, whether contracted by a Rebel State or by the central government, shall never be recognized or paid; nor shall any claim for the loss or emancipation of any slave, or any pension or bounty for service in the Rebellion, be recognized or paid;

Sixthly, That public schools shall be established, open to all without distinction of race or color;

Seventhly, That all persons excluded from office under this Act shall be excluded by the constitution, until relieved from disability by Act of Congress.

The constitution must be ratified by the people and submitted to Congress. If Congress shall approve it as republican in form, and shall be satisfied that the people of the State are loyal and well-disposed to the Union, the State shall be restored to its former relations and the provisional government shall cease.

Such is the bill which I should be glad to press upon your attention, creating provisional governments and securing permanent governments. It is not a military bill; and on this account, in spirit and form, if not in substance, it might be preferred to that which you have begun to sanction. Besides, it contains abundant safeguards. I regret much that something like this cannot be adopted. It is with difficulty that I renounce a desire long cherished to see Reconstruction under the supervision of Congress, according to the forms of civil order, without the intervention of military power. I am

sure that such a bill would be agreeable to the Unionists of the Rebel States; and this with me is a rule of conduct which I am unwilling to disregard. They are without representation in Congress. Let us be their representatives. I hear their voices gathered into one prayer. I cannot refuse to listen.

If this bill cannot be adopted, then I ask that you shall take at least one of its provisions. Require free schools as an essential condition of Reconstruction. But I am met by the objection, that we are already concluded by the Military Bill adopted a few days ago, so that we cannot establish any new conditions. This is a mistake. There is no word in the Military Bill which can have this interpretation. Besides, the bill is only a few days old; so that, whatever its character, nothing is as yet fixed under its provisions. It contains no compact, no promise, no vested right, nothing which may not be changed, if the public interests require. There are some who seem to insist that it is a strait-jacket. On the contrary, this very bill asserts in positive terms "the paramount authority of the United States." Surely this is enough. In the exercise of this authority, it is your duty to provide all possible safeguards. To adopt a familiar illustration, these States must be "bound to keep the peace." Nothing is more common after an assault and battery. But this can be only by good laws, by careful provisions, by wise economies, and securities of all kinds.

Sometimes it is argued that it is not permissible to make certain requirements in the new constitutions, although, when the constitutions are presented to Congress for approval, we may object to them for the want

of these very things. Thus it is said that we may not require educational provisions, but that we may object to the constitutions, when formed, if they fail to have this safeguard. This argument forgets the paramount power of Congress over the Rebel States, which you have already exercised in ordaining universal suffrage. Who can doubt, that, with equal reason, you may ordain universal education also? And permit me to say that one is the complement of the other. But I do not stop with assertion of the power. The argument that we are to wait until the constitution is submitted for approval is not frank. I wish to be plain and explicit. We have the power, assured by reason and precedent. Exercise it. Seize the present moment. Grasp the precious privilege. There are some who act on the principle of doing as little as possible. I would do as much as possible, believing that all we do in the nature of safeguard must redound to the good of all and to the national fame. It is in this spirit that I now move to require a system of free schools, open to all without distinction of caste. For this great safeguard I ask your votes.

You have prescribed universal suffrage. Prescribe now universal education. The power of Congress is the same in one case as in the other. And you are under an equal necessity to employ it. Electors by the hundred thousand will exercise the franchise for the first time, without delay or preparation. They should be educated promptly. Without education your beneficent legislation may be a failure. The gift you bestow will be perilous. I was unwilling to make education the condition of suffrage; but I ask that it shall accompany and sustain suffrage.

Mr. President, I plead now for Education. Nothing more beautiful or more precious. Education decorates life, while it increases all our powers. It is the charm of society, the solace of solitude, and the multiple of every faculty. It adds incalculably to the capacity of the individual and to the resources of the community. Careful inquiry establishes what reason declares, that labor is productive in proportion to its education. There is no art it does not advance. There is no form of enterprise it does not encourage and quicken. It brings victory, and is itself the greatest of victories.

In a republic education is indispensable. A republic without education is like the creature of imagination, a human being without a soul, living and moving blindly, with no just sense of the present or the future. It is a monster. Such have been the Rebel States, — for years nothing less than political monsters. But such they must be no longer.

It is not too much to say, that, had these States been more enlightened, they would never have rebelled. The barbarism of Slavery would have shrunk into insignificance, without sufficient force to break forth in blood. From the returns before the Rebellion[1] we learn that in the Slave States there were not less than 493,026 native white persons over twenty years of age who could not read and write, — while in the Free States, with double the native white population, there were but 248,725 native whites over twenty years of age thus blighted by ignorance. In the Slave States the proportion was 1 in 5; in the Free States it was 1 in 22. The number in Free Massachusetts, with an adult native white population of 470,375, was 1,055, or 1 in 446; the number in

[1] See "Barbarism of Slavery," *ante*, Vol. V. p. 45.

Slave South Carolina, with an adult native white population of only 120,136, was 15,580, or 1 in 8. The number in Free Connecticut was 1 in 256, in Slave Virginia 1 in 5; in Free New Hampshire 1 in 192, and in Slave North Carolina 1 in 3. In this prevailing ignorance we may trace the Rebellion. A population that could not read and write naturally failed to comprehend and appreciate a republican government.

This contrast between the Rebel States and the Loyal States appeared early. It was conspicuous in two Colonies, each of which exercised a peculiar influence. Massachusetts began her existence with a system of free schools. The preamble of her venerable statute deserves immortality. "That learning may not be buried in the grave of our fathers," her founders enacted that every township of fifty householders should maintain a school for reading and writing, and every town of a hundred householders a school to fit youths for the University.[1] This statute was copied in other Colonies. It has spread far, like a benediction. At the same time Virginia set herself openly against free schools. Her Governor, Sir William Berkeley, in 1671, in a reply to the Lords Commissioners of Plantations on the condition of the Colony, made this painful record: "I thank God *there are no free schools*, nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience and heresy and sects into the world, and printing has divulged them. . . . . God keep us from both!"[2] Thus spoke Massachusetts, and thus spoke Virginia, in that ancient day. The conflict of

[1] Records of the Governor and Company of the Massachusetts Bay, November 11, 1647, Vol. II. p. 203.

[2] Hening, Statutes at Large of Virginia, Vol. II. p. 517.

ideas had already begun. Can you hesitate to adopt the statute so well justified by time? It began in an infant colony. Let it be the law of a mighty republic.

The papers of the day mention an incident, showing how the original spirit of the Virginia Governor still animates these States. A motion to print two hundred copies of the Report of the State Superintendent of Public Education was promptly voted down in the Senate of Louisiana, while a Senator, in open speech, "denounced the public education scheme as an unmitigated oppression, an electioneering device, an imposition, which he intended to bring in a bill to abolish, if they were allowed to go on legislating." With such brutality is this beautiful cause now encountered. It is as if a savage rudely drove an angel from his tent.

Be taught by this example, and do not hesitate, I entreat you. Remember how much is now in issue. You are to fix the securities of the future, and especially to see that a republican government is guarantied in all the Rebel States. I call them "Rebel," for such they are in spirit still, and such is their designation in your recent statute. But I ask nothing in vengeance or unkindness. All that I propose is for their good, with which is intertwined the good of all. I would not impose any new penalty or bear hard upon an erring people. Oh, no! I simply ask a new safeguard for the future, that these States, through which so much trouble has come, may be a strength and a blessing to our common country, with prosperity and happiness everywhere within their borders. I would not impose any new burden; but I seek a new triumph for civilization. For a military occupation bristling with bayonets I would substitute the smile of peace. But this

cannot be without Education. As the soldier disappears, his place must be supplied by the schoolmaster. The muster-roll will be exchanged for the school-register, and our headquarters will be a school-house.

Do not forget the grandeur of the work in which you are engaged. You are forming States. Such a work cannot be done hastily or carelessly. The time you give will be saved to the country hereafter a thousand-fold. The time you begrudge will rise in judgment against you. It is a law of Nature, that, just in proportion as the being produced is higher in the scale and more complete in function, all the processes are more complex and extended. The mature liberty we seek cannot have the easy birth of feebler types. As man, endowed with reason and looking to the heavens, is above the quadruped that walks, above the bird that flies, above the fish that swims, and above the worm that crawls, so should these new governments, republican in form and loyal in soul, created by your care, be above those whose places they take. The Old must give way to the New, and the New must be worthy of a Republic, which, ransomed from Slavery, has become an example to mankind. Farewell to the Old! All hail to the New!

Mr. Frelinghuysen, of New Jersey, Mr. Stewart, of Nevada, and Mr. Conness, of California, joined in criticism of Mr. Sumner's opposition to the employment of the military arm in Reconstruction, protesting particularly against the declaration that States are "about to be born of the bayonet." To the proposed requirement of a system of free schools in the Rebel States Mr. Frelinghuysen objected: "For us to undertake now to add new conditions to the Reconstruction measure which the Thirty-Ninth Congress adopted I hold to be bad faith. . . . . That is not the way to do business. . . . . Let this nation keep its faith. I hope, Mr. President, that the amendment will not be adopted." Mr. Patterson, of New Hampshire, would "be glad to have such a requi-

sition laid on all the States of the Union, if it were not unconstitutional. But he wished to ask him [Mr. SUMNER] this question: Does he think it possible to establish a system of common schools in these Southern States corresponding to the common-school system of New England, unless he first confiscates the large estates and divides them into small homesteads, so that there may be small landholders who shall support these schools by the taxation which is laid upon them?"

MR. SUMNER. I do.
MR. PATTERSON. You think it is possible?
MR. SUMNER. I do, certainly, — most clearly.

Mr. Morton said: "The proposition is fundamental in its character; its importance cannot be overestimated; and I hope that it will be placed as a condition, upon complying with which they shall be permitted to return." Mr. Cole, of California, declared himself "warmly in favor of the amendment." Mr. Hendricks, of Indiana, and Mr. Buckalew, of Pennsylvania, both Democrats, spoke against it. The latter thought Mr. Sumner "not open to criticism for the sentiments which he has expressed upon this occasion, nor for the position which he has assumed." In a humorous vein, he said: "The propositions which the Senator from Massachusetts makes one year, and which are criticized by his colleagues as extreme, inappropriate, and untimely, are precisely the propositions which those colleagues support with greater zeal and vehemence, if possible, than he, the year following. In short, Sir, we can foresee at one session of Congress the character of the propositions and of the arguments with which we are to be favored at the next in this Chamber, by looking to the pioneer man, who goes forward in advance, his banner thrown out, his cause announced, the means by which it shall be carried on and the objects in view proclaimed with force and frankness."

Mr. Sumner replied: —

MR. PRESIDENT, — The question of power, I take it, must be settled in this Chamber. You have already most solemnly voted to require in every new constitution suffrage for all, without distinction of race or color or previous condition. But the greater contains the less. If you can do that, you can do everything. If you can require that Magna Charta of human rights, you can require what is smaller. It is already fixed

in your statutes, enrolled in your archives, that Congress has this great power. I do not say whether it has this power over other States; that is not the question; but it has the power over the Rebel States. That power is derived from several sources, — first, from the necessity of the case, because the State governments there are illegal, and the whole region has passed, as in the case of Territories, under the jurisdiction of Congress: no legal government exists there, except what Congress supplies. There is another source in the military power now established over that region; then, again, in that great clause of the National Constitution by which you are required to guaranty to every State a republican form of government. Here is enough. Out of these three sources, these three overflowing fountains, springs ample authority. You have exercised it by prescribing in their constitutions Suffrage for all. I ask you to go one step further, and to prescribe Education for all.

I am met here by personal objections; I am asked why I have not brought this forward before. Sir, I have brought it forward in season and out of season. I have on the table before me a speech of mine in 1865, where, in laying down the great essential guaranties, I declared them as follows: First, the unity of the Republic; secondly, Enfranchisement; thirdly, the guaranty of the National debt; fourthly, the repudiation of the Rebel debt; fifthly, Equal Suffrage; and, sixthly, Education of the people.[1] Therefore from the beginning I have asked this guaranty, believing, as I do most clearly, that under the National Constitution

[1] Speech entitled "The National Security and the National Faith": *ante*, Vol. IX. pp. 457, seqq.

you may demand it. If you may demand it, if you have the power, then do I insist it is your duty so to do. Duties are in proportion to powers. These great powers are not merely for display or idleness, but for employment, to the end that the Republic may be advanced and fortified.

Then I have been reminded very earnestly by Senators that I have used strong language in saying that these governments will be open to the imputation of being born of the bayonet. This is not the first time I have used that language in this Chamber. From the beginning I have protested against Reconstruction by military power. Again and again I have asserted that it is contrary to the genius of republican institutions, and to a just economy of political forces. I have not been hearkened to. Others have pressed the intervention of military power; and now, as I am about to record my vote in favor of the pending proposition, I cannot but express my sincere and unfeigned regret that Congress did not see its way to a generous measure of Reconstruction purely civil in character, having no element of military power. Such you had before you at the last session in the Louisiana Bill, which I sought to press day by day; and when, at the last moment, the Military Bill was passed, I, from my place here, declared that I should deem it my duty at the earliest possible moment in this session to press the Louisiana Bill, or some kindred measure not military in character.

I was early tutored in the principles of Jefferson. I cannot forget his Inaugural Address, where he lays down among the cardinal principles, or what he calls "the essential principles of our Government," and con-

sequently those which ought to shape its administration, "The supremacy of the civil over the military authority." Imbued with this principle, I hoped that Congress would see the way to establish at once civil governments in all those States, and not subject them to military power, except so far as needed for purposes of protection. This is the true object of the army. It is to protect the country, — not to make constitutions, or to superintend the making of constitutions. At least, so I have read the history of republican institutions, and such are the aspirations that I presume to express for my country.

The vote on Mr. Sumner's proposition stood, Yeas 20, Nays 20, being a tie, so that the amendment was lost. Any one Senator changing from the negative would have carried it.

The bill passed the Senate, — Yeas 38, Nays 2. On the amendments of the Senate there was a difference between the two Houses, which ended in a committee of conference, whose report was concurred in without a division.

March 23d, the bill was vetoed by the President. On the same day it was passed again by the House, — Yeas 114, Nays 25, — and by the Senate, — Yeas 40, Nays 7, — being more than two thirds; so that it became a law, notwithstanding the objections of the President.[1]

[1] Statutes at Large, Vol. XV. pp. 2-5.

PROHIBITION OF DIPLOMATIC UNIFORM.

SPEECH IN THE SENATE, ON A JOINT RESOLUTION CONCERNING THE UNIFORM OF PERSONS IN THE DIPLOMATIC SERVICE OF THE UNITED STATES, MARCH 20, 1867.

MARCH 20th, Mr. Sumner, from the Committee on Foreign Relations, reported the following joint resolution: —

"*Resolved, &c.*, That all persons in the diplomatic service of the United States are prohibited from wearing any uniform or official costume not previously authorized by Congress."

He then stated that it was reported from the Committee unanimously, and that perhaps the Senate would be willing to consider it at once. The resolution was proceeded with by unanimous consent, when Mr. Sherman, of Ohio, remarked: "I do not see what right we have to prevent a minister abroad from wearing the uniform of our army, if he chooses." Mr. Sumner replied: —

THE Senator is aware that a habit exists among our ministers in Europe of wearing uniforms of other countries in the nature of court costumes or dresses; and this is often required before they are presented. The Committee on Foreign Relations, after careful consideration, have unanimously come to the conclusion that it is expedient to prohibit any such uniform or official costume, unless sanctioned previously by Act of Congress. It seems clear that our ministers abroad should not be required by any foreign government to wear a uniform, costume, or dress unknown to our own laws. This is very simple, and not unreasonable.

This question is perhaps more important than it appears. On its face it is of form only, or rather of dress, proper for the learned in Carlyle's "Sartor Resartus." But I am not sure that it does not concern the character of the Republic. Shall our ministers abroad be required by any foreign government to assume a uniform unknown to our laws? Ministers of other countries appear at foreign courts in the dress they would wear before the sovereign at home. What is good enough for the sovereign at home is, I understand, good enough for other sovereigns. And surely the dress in which one of our ministers would appear before the President of the United States ought to be sufficient anywhere. Its simplicity is to my mind no argument against it.

It is sometimes said, gravely enough, that, if our ministers appear in the simple dress of a citizen, according to the requirement of Mr. Marcy's famous circular, they may be mistaken for "upper servants." If such be the case, they will have little of the stamp of fitness. I am not troubled on this head. Their simplicity would be a distinction, and it would be typical of the republican government they represent. Amidst the brilliant dresses and fantastic uniforms of European courts a simple dress would be most suggestive. A British minister appearing at the Congress of Vienna in simple black, with a single star on his breast, so contrasted with the bedizened crowd about him as to awaken the admiration of an illustrious prince, who exclaimed, "How distinguished!"

This is an old subject, which I trust may be disposed of at last. Mr. Marcy enjoined simplicity in the official dress of our foreign representatives, and dwelt with pride on the well-known example of Benjamin Franklin. But

his instructions were not sufficiently explicit, and they were allowed to die out. Some appeared in simple black, and were not mistaken for "upper servants." But gold lace at last carried the day, and our representatives now appear in a costume peculiar to European courts. A simple prohibition by Congress will put an end to this petty complication, and make it easy for them to follow abroad the simple ways to which they have been accustomed at home.

MR. SHERMAN. All I wish to know is, whether General Dix, or any other minister, could wear the uniform of our army, if he chose. The rule, if I understand it, in some foreign countries, is, that a person must appear at court in some kind of uniform. If none is provided by his government, or authorized by his government, then he adopts a certain uniform according to the custom of the country to which he is accredited. Perhaps, however, I am not correct.

MR. SUMNER. The object of the pending measure is to encounter that precise requirement of foreign governments, and to put our ministers on an equality with those of other countries. I have already said that ministers of other countries may appear at the courts to which they are addressed as they would appear before their own sovereign. I take it the Turkish ambassador is not obliged to assume in Paris or London any official costume peculiar to France or England; but he appears, as at a reception by his own sovereign, with the fez on his head. And so the Austrian ambassador appears in his fantastic Hungarian jacket. But I see no reason why there should be one rule for these ambassadors, and another for the representatives of the American Republic. Here, as elsewhere, there should be equality. The equality of nations is a first principle of International Law.

But this is offended by any requirement of a foreign government which shall not leave our representative free to appear before the sovereign of the country to which he is accredited as he would before the Chief Magistrate of the American people, — in other words, in the simple dress of an American citizen. This is the whole case.

MR. SHERMAN. The Senator does not yet answer my question: Will this prevent an American minister abroad from wearing the uniform of an officer of the army of the United States, such as he would be entitled to wear under our laws, if here?

MR. SUMNER. If entitled under our laws, there could be no difficulty.

MR. SHERMAN. We have a law which authorizes a volunteer officer who has attained the rank of a brigadier-general, for instance, always on state occasions to wear that uniform.

MR. SUMNER. There can be no misunderstanding. The ministers are simply to follow Congress; and as Congress has not authorized any uniform or official costume, they can have none, unless they come within the exceptional case to which the Senator has alluded. Certain persons who have been in the military service are authorized, under an existing Act of Congress, to wear their military uniform on public occasions. This resolution cannot interfere in any way with that provision. It leaves the Act of Congress in full force, and is applicable only to those not embraced by that Act.

The joint resolution passed the Senate without a division. March 25th, it passed the House without a division, and was approved by the President, so that it became a law.[1] It was promptly communicated to our ministers abroad by a circular from the Department of State.

[1] Statutes at Large, Vol. XV. p. 23.

VIGILANCE AGAINST THE PRESIDENT.

REMARKS IN THE SENATE, ON RESOLUTIONS ADJOURNING CONGRESS, MARCH 23, 26, 28, AND 29, 1867.

MARCH 23d, Mr. Trumbull, of Illinois, offered a resolution adjourning the two Houses on Tuesday, March 26th, at twelve o'clock, noon, until the first Monday of December, at twelve o'clock, noon. Mr. Drake, of Missouri, moved to amend by striking out "the first Monday of December," and inserting "Tuesday, the 15th day of October." This amendment was rejected, — Yeas 19, Nays 28. Mr. Morrill, of Vermont, then moved to amend by inserting "first Monday of November," and this amendment was rejected, — Yeas 18, Nays 27. Mr. Sumner then moved the adjournment of the two Houses on Thursday, the 28th day of March, at twelve o'clock, noon, until the first Monday of June, and that on that day, unless then otherwise ordered by the two Houses, until the first Monday of December. This was rejected, — Yeas 14, Nays 31. The question then recurred on the resolution of Mr. Trumbull. A debate ensued, in which Mr. Sumner said: —

I AM against the resolution. In my opinion, Congress ought not to adjourn and go home without at least some provision for return to our post. As often as I think of this question, I am met by two controlling facts. I speak now of facts which stare us in the face.

You must not forget that the President is a bad man, the author of incalculable woe to his country, and especially to that part which, being most tried by

war, most needed kindly care. Search history, and I am sure you will find no elected ruler who, during the same short time, has done so much mischief to his country. He stands alone in bad eminence. Nobody in ancient or modern times can be his parallel. Alone in the evil he has done, he is also alone in the maudlin and frantic manner he has adopted. Look at his acts, and read his speeches. This is enough.

Such is the fact. And now I ask, Can Congress quietly vote to go home and leave such a man without hindrance? These scenes are historic. His conduct is historic. Permit me to remind you that your course with regard to him will be historic. It can never be forgotten, if you keep your seats and meet the usurper face to face, — as it can never be forgotten, if, leaving your seats, you let him remain master to do as he pleases. Most of all, he covets your absence. Do not indulge him.

Then comes the other controlling fact. There is at this moment a numerous population, counted by millions, — call it, if you please, eight millions, — looking to Congress for protection. Of this large population, all the loyal people stretch out their hands to Congress. They ask you to stay. They know by instinct that so long as you remain in your seats they are not without protection. They have suffered through the President, who, when they needed bread, has given them a stone, and when they needed peace, has given them strife. They have seen him offer encouragement to Rebels, and even set the Rebellion on its legs. Their souls have been wrung as they beheld fellow-citizens brutally sacrificed, whose only crime was that they loved the Union. Sometimes the sacrifice was on a small

scale, and sometimes by wholesale. Witness Memphis; witness New Orleans; ay, Sir, witness the whole broad country from the Potomac to the Rio Grande.

With a Presidential usurper menacing the Republic, and with a large population, counted by millions, looking to Congress for protection, I dare not vote to go home. It is my duty to stay here. I am sure that our presence here will be an encouragement and a comfort to loyal people throughout these troubled States. They will feel that they are not left alone with their deadly enemy. Home is always tempting. It is pleasant to escape from care. But duty is more than home or any escape from care. As often as I think of these temptations, I feel their insignificance by the side of solemn obligations. There is the President: he must be watched and opposed. There is an oppressed people: it must be protected. But this cannot be done without effort on the part of Congress. "Eternal vigilance is the price of liberty." Never was there more need for this vigilance than now.

An admirable and most suggestive engraving has been placed on our tables to-day, in "Harper's Weekly,"[1] where President Johnson is represented as a Roman emperor presiding in the amphitheatre with imperatorial pomp, and surrounded by trusty counsellors, among whom it is easy to distinguish the Secretary of State and the Secretary of the Navy, looking with complacency at the butchery below. The victims are black, and their sacrifice, as gladiators, makes a "Roman holiday." Beneath the picture is written, "Amphitheatrum Johnsonianum — Massacre of the Innocents at New Orleans, July 30, 1866." This inscription tells the terrible

[1] March 30, 1867.

story. The bloody scene is before you. The massacre proceeds under patronage of the President. His Presidential nod is law. At his will blood spurts and men bite the dust. But this is only a single scene in one place. Wherever in the Rebel States there is a truly loyal citizen, loving the Union, there is a victim who may be called to suffer at any moment from the distempered spirit which now rules. I speak according to the evidence. This whole country is an "Amphitheatrum Johnsonianum," where the victims are counted by the thousand. To my mind, there is no duty more urgent than to guard against this despot, and be ready to throw the shield of Congress over loyal citizens whom he delivers to sacrifice.

The resolution of Mr. Trumbull was agreed to, — Yeas 29, Nays 16.

March 25th, on motion of Mr. Wilson, of Massachusetts, the resolution was returned from the House of Representatives for reconsideration. Meanwhile the House adopted the following resolution, which was laid before the Senate: —

"That the Senate and House of Representatives do hereby each give consent to the other that each House of Congress shall adjourn the present session from the hour of twelve o'clock, meridian, on Thursday next, the 28th day of March instant, to assemble again on the first Wednesday of May, the first Wednesday of June, the first Wednesday of September, and the first Wednesday of November, of this year, unless the President of the Senate *pro tempore* and the Speaker of the House of Representatives shall by joint proclamation, to be issued by them ten days before either of the times herein fixed for assembling, declare that there is no occasion for the meeting of Congress at such time."

On motion of Mr. Fessenden, this resolution was referred to the Committee on the Judiciary.

March 26th, the House resolution was reported by Mr. Trumbull, with a substitute adjourning the two Houses "on the 28th instant, at twelve o'clock, meridian." Debate ensued, when Mr. Howe, of Wisconsin, moved an adjournment on the 29th of March until the first Monday of June, and on that day, unless then otherwise ordered by the two Houses, until the first Monday of December. After de-

bate, this amendment was rejected, — Yeas 17, Nays 25. Mr. Morrill, of Vermont, moved to amend the substitute of the Committee by adding "to meet again on the first Monday of November next," which was rejected, — Yeas 16, Nays 25. Mr. Sumner then moved to amend the substitute by adding: —

"*Provided*, That the President of the Senate *pro tempore* and the Speaker of the House of Representatives may by joint proclamation, at any time before the first Monday of December, convene the two Houses of Congress for the transaction of business, if in their opinion the public interests require."

Here he said: —

I AM unwilling to doubt that Congress may authorize their officers to do that. I cannot doubt it. Assuming that we have the power, is not this an occasion to exercise it? I do not wish to be carried into the general debate. I had intended to say something about it; but it is late. . . . . I will not, therefore, go into the general question, except to make one remark: I do think Congress ought to do something; we ought not to adjourn as on ordinary occasions, — for this is not an ordinary occasion, and there is the precise beginning of the difference between myself and the Senator from Maine, and also between myself and the Senator from Illinois.

The Senator from Illinois said, Why not, as on ordinary occasions, now go home? Ay, Sir, that is the very question. Is this an ordinary occasion? To my mind, it clearly is not. It is an extraordinary occasion, big with the fate of this Republic.

The amendment of Mr. Sumner was rejected, — Yeas 15, Nays 26. Mr. Howe then moved to insert "Friday, the 29th," instead of "Thursday, the 28th," which was rejected. Mr. Drake then moved an amendment, 28th March until 5th June, when, unless a quorum of both Houses were present, the presiding officers should adjourn until 4th September, when, unless a quorum of both Houses were present, they should adjourn until the first Monday of December. This also was

rejected, — Yeas 14, Nays 27. The substitute reported by Mr. Trumbull was then agreed to, — Yeas 21, Nays 17. The other House then adopted a substitute, adjourning March 28th to the first Wednesday of June, and to the first Wednesday of September, unless the presiding officers, by joint proclamation ten days before either of these times, should declare that there was no occasion for the meeting of Congress at that time. In the Senate, March 28th, Mr. Edmunds, of Vermont, moved a substitute, adjourning March 30th to the first Wednesday of July, and then, unless otherwise ordered by both Houses, on the next day adjourning without day.

Mr. Sumner said: —

THE Senate seems to have arrived at a point where the difference is one of form rather than substance. We have been occupied almost an hour in discussing the phraseology of the resolution. We have reached the great point which was the subject of such earnest discussion two or three days ago, that Congress ought in some way or other to secure to itself the power of meeting during the long period between now and next December. I understand Senators are all agreed on that. I am glad of it. Only by time and discussion we have reached that harmony. The House has given us three opportunities. The old story is repeated. The Senate, so far as I can understand, is ready to adopt the proposition of the House, — substantially I mean, for this proposition, as I understand it, is simply to secure for Congress an opportunity of coming together during the summer and autumn. Now the practical question is, How shall this be best accomplished? I am ready to accept either of the forms. I am willing to accept the form last adopted by the House. I do not see that that is objectionable. I am ready, if I can get nothing better, to accept the form proposed by the Senator from Vermont; but I must confess that the form proposed by the Senator from Missouri seems briefer, clearer, better. If I could have

my own way, I would set aside the proposition of the Senator from Vermont, and fall back upon that of the Senator from Missouri, as better expressing the conclusion which I am glad to see at last reached.

I believe it is settled that we shall not adjourn to-morrow. Am I right?

MR. EDMUNDS. Yes, Sir.

MR. SUMNER. I am glad of it. That is the gain of a day. We were to adjourn to-day at twelve o'clock, and then again to-morrow at twelve o'clock, and now it is put off until Saturday. I cannot doubt that the Senate would do much better, if it put off the adjournment until next week. There is important business on your table, which ought to be considered.

Mr. Sumner then called attention to measures deserving consideration, and continued: —

Here is another measure, which I once characterized as an effort to cut the Gordian knot of the suffrage question. It is a bill introduced by myself to carry out various constitutional provisions securing political rights in all our States, precisely as we have already secured civil rights. The importance of this bill cannot be exaggerated. There is not a Senator who does not know the anxious condition of things in the neighboring State of Maryland for want of such a bill. Let Congress interfere under the National Constitution, and exercise a power clearly belonging to it, settling this whole suffrage question, so that it shall no longer agitate the politics of the States, no longer be the occasion of dissension, possibly of bloodshed, in Maryland or in Delaware, or of difference in Ohio. Let us settle the question before we return home.

When I rose, I had no purpose of calling attention to these measures. My special object was to express satisfaction that the Senate at last is disposed to harmonize with the other House on the important question of securing to Congress the power of meeting during the summer and autumn. That is a great point gained for the peace and welfare of the country. Without it you will leave the country a prey to the President; you will leave our Union friends throughout the South a sacrifice to the same malignant usurper.

The substitute proposed by Mr. Edmunds was agreed to, — Yeas 25, Nays 14. The House non-concurring, it was referred to a committee of conference.

March 29th, another resolution having been meanwhile adopted by the House, providing for an adjournment to the first Wednesday of June, and then, if a quorum of both Houses were not present, to the first Wednesday of September, and then, in the absence of a quorum, to the first Monday of December, Mr. Edmunds moved the following substitute: —

"The President of the Senate and the Speaker of the House of Representatives are hereby directed to adjourn their respective Houses on Saturday, March 30, 1867, at twelve o'clock, meridian, to the first Wednesday of July, 1867, at noon, when the roll of each House shall be immediately called, and immediately thereafter the presiding officer of each House shall cause the presiding officer of the other House to be informed whether or not a quorum of its body has appeared; and thereupon, if a quorum of the two Houses respectively shall not have appeared upon such call of the rolls, the President of the Senate and the Speaker of the House of Representatives shall immediately adjourn their respective Houses without day."

Mr. Sumner said: —

I AM against the amendment on two grounds: first, that it proposes to adjourn too soon; and, secondly, that it superfluously and unnecessarily makes a new difference with the House of Representatives. In the first place, it proposes to adjourn too soon, — that is, to-mor-

row at twelve o'clock. The business of the country will suffer by adjournment at that time. We are now in currents of business that recall the last days of regular sessions, or the rapids that precede a cataract. Senators are struggling for the floor, and perhaps are not always amiable, if they do not obtain it. We ought to give time for all this important business, so that there be no such unseemly struggle.

The calendar of the Senate shows one hundred and fifteen bills now on your table from the Senate alone, of which only a small portion have been considered; and looking at the House calendar, I find one of their late bills numbered one hundred and two, showing that very large number, of which you have considered thus far only a very small proportion. I do not ask attention to these numerous bills, but unquestionably among them are many of great importance. There are two especially to which I have already referred, and to which I mean to call your attention, so long as you sit as a Congress, and down to the last moment, unless they shall be acted on. I mean, in the first place, the bill providing for a change in the time of electing a mayor and other officers in the city of Washington. Congress ought not to go home leaving this question unsettled.

You have bestowed the suffrage upon the colored people here, and they are about to exercise it in choosing aldermen and a common council; but those aldermen and common councilmen will find themselves presided over by a mayor chosen by a different constituency, and hostile to them in sentiment, one possessing sometimes the veto power, and always a very considerable influence, which he will naturally exercise against this new government. Will you leave Washington subject to

such discord? Will you consent that the votes of the colored people shall be thus neutralized the first time they are called into exercise? I trust Congress will not adjourn until this important bill is acted upon. It is very simple; it need not excite discussion; it is practical. Let it be read at the table, and every Senator will understand it, and will be ready to vote upon it without argument. Thus far I have not been able to bring it before the Senate, though I have tried day by day. I have not yet been able to have it read.

Mr. Sumner then referred again to the bill securing the elective franchise throughout the country, vindicating its constitutionality and necessity.

Mr. Wilson then moved to amend by making the day of adjournment the 10th of April; but this was rejected, — Yeas 13, Nays 28. Mr. Sumner then moved to amend by inserting "five o'clock, Saturday afternoon," instead of "twelve o'clock, noon," saying, "so that we shall have five hours more for work"; but this, modified by the substitution of four o'clock, was likewise rejected.

The substitute of Mr. Edmunds was then adopted, — Yeas 28, Nays 12, — Mr. Sumner voting in the negative. The House concurred, and the adjournment took place accordingly.

In this episode began the differences with regard to President Johnson. To protect good people against him was the object of the earnest effort to prolong the session and to provide for an intermediate session before the regular meeting of Congress. Among those who voted for the adjournment were distinguished Senators who afterwards voted for his acquittal, when impeached at the bar of the Senate.

LOYALTY AND REPUBLICAN GOVERNMENT CONDITIONS OF ASSISTANCE TO THE REBEL STATES.

REMARKS IN THE SENATE, ON A JOINT RESOLUTION AUTHORIZING SURVEYS FOR THE RECONSTRUCTION OF THE LEVEES OF THE MISSISSIPPI, MARCH 29, 1867.

MARCH 29th, on motion of Mr. Sprague, of Rhode Island, the Senate proceeded to consider a joint resolution directing an examination and estimate to be made of the cost of reconstructing the levees of the Mississippi. Mr. Sumner remarked that he was not against making this exploration and inquiry, — that he welcomed anything of the kind, — but he was anxious that Congress should not commit itself to the expenditure involved. He therefore moved the following amendment: —

"*Provided*, That it is understood in advance that no appropriations for the levees of the Mississippi River shall be made in any State until after the restoration of such State to the Union, with the elective franchise and free schools without distinction of race or color."

On this he remarked: —

I AM unwilling that Congress should seem in any way to commit itself to so great an expenditure in one of these States, except with the distinct understanding that it shall not be until after the restoration of the State to the Union on those principles without which the State will not be loyal or republican. We are all seeking to found governments truly loyal and truly republican. Will any Rebel State be such until it has secured in its constitution the elective franchise to all, and until it has opened free schools to all? The

proposition is a truism. A State which does not give the elective franchise to all, without distinction of color, is not republican in form, and cannot be sanctioned as such by the Congress of the United States. Now I am anxious, so far as I can, to take a bond in advance, and to hold out every temptation, every lure, every seduction to tread the right path, — in other words, to tread the path of loyalty and of republicanism. Therefore I seize the present opportunity to let these States know in advance, that, if they expect the powerful intervention of Congress, they must qualify themselves to receive it by giving evidence that they are truly loyal and truly republican.

This is no common survey of a river or harbor. The Senator from Maine [Mr. MORRILL] has already pointed out the difference between the two cases. They are wide apart. It is an immense charity, a benefaction, from which private individuals are to gain largely. Thus far these levees have always been built, as I understand, — I am open to correction, — by the owners of the lands, and by the States.

MR. STEWART [of Nevada]. And principally by the swamp lands donated by Congress.

MR. SUMNER. Now it is proposed, for the first time, that the National Government shall intervene with its powerful aid. Are you ready to embark in that great undertaking? I do not say that you should not, for I am one who has never hesitated, and I do not mean hereafter to hesitate, in an appropriation for the good of any part of the country, if I can see that it is constitutional; and on the question of constitutionality I do not mean to be nice. I mean always to be generous

in interpretation of the Constitution, and in appropriations for any such object; but I submit that Congress shall not in any respect pledge itself to this undertaking, involving such a lavish expenditure, except on the fundamental condition that the States where the money is to be invested shall be truly loyal and republican in form; and I insist that not one of those States can be such, except on the conditions stated in my amendment.

No vote was reached, and the joint resolution was never considered again.

THE CESSION OF RUSSIAN AMERICA TO THE UNITED STATES.

SPEECH IN THE SENATE, ON THE RATIFICATION OF THE TREATY BETWEEN THE UNITED STATES AND RUSSIA, APRIL 9, 1867.

Thirteen governments founded on the natural authority of the people alone, without a pretence of miracle or mystery, and *which are destined to spread over the northern part of that whole quarter of the globe*, are a great point gained in favor of the rights of mankind. — JOHN ADAMS, *Preface to his Defence of the American Constitutions*, dated Grosvenor Square, London, January 1, 1787: Works, Vol. IV. p. 288.

Barbarous and stupid Xerxes, how vain was all thy toil to cover the Hellespont with a floating bridge! Thus rather wise and prudent princes join Asia to Europe; they join and fasten nations together, not with boards or planks or surging brigandines, not with inanimate and insensible bonds, but by the ties of legitimate love, chaste nuptials, and the infallible gage of progeny. — PLUTARCH, *Morals*, ed. Goodwin, Vol. I. p. 482.

LATE in the evening of Friday, March 29, 1867, Mr. Sumner, on reaching home, found this note from Mr. Seward awaiting him: "Can you come to my house this evening? I have a matter of public business in regard to which it is desirable that I should confer with you at once." Without delay he hurried to the house of the Secretary of State, only to find that the latter had left for the Department. His son, the Assistant Secretary, was at home, and he was soon joined by Mr. de Stoeckl, the Russian Minister. From the two Mr. Sumner learned for the first time that a treaty was about to be signed for the cession of Russian America to the United States. With a map in his hand, the Minister, who had just returned from St. Petersburg, explained the proposed boundary, according to verbal instructions from the Archduke Constantine. After a brief conversation, when Mr. Sumner inquired and listened without expressing any opinion, they left together, the Minister on his way to the Department, where the treaty was copying. The clock was striking midnight as they parted, the Minister saying with interest, "You will not fail us." The treaty was signed about four o'clock in the morning of March 30th, being the last day of the current session of Congress, and on the same day transmitted to the Senate, and referred to the Committee on Foreign Relations.

April 1st, the Senate was convened in Executive session by the proclamation of the President of the United States, and the Committee proceeded to the consideration of the treaty. The Committee at the time was Messrs. Sumner (Chairman), Fessenden, of Maine, Cameron, of Pennsylvania, Harlan, of Iowa, Morton, of Indiana, Patterson, of New Hampshire, and Reverdy Johnson, of Maryland. Carefully and anxiously they considered the question, and meanwhile it was discussed outside. Among friendly influences was a strong pressure from Hon. Thaddeus Stevens, the acknowledged leader of the other House, who, though without constitutional voice on the ratification of a treaty, could not restrain his earnest testimony. Mr. Sumner was controlled less by desire for more territory than by a sense of the amity of Russia, manifested especially during our recent troubles, and by an unwillingness to miss the opportunity of dismissing another European sovereign from our continent, predestined, as he believed, to become the broad, undivided home of the American people; and these he developed in his remarks before the Senate.

April 8th, the treaty was reported by Mr. Sumner without amendment, and with the recommendation that the Senate advise and consent thereto. The next day it was considered, when Mr. Sumner spoke on the negotiation, its origin, and the character of the ceded possessions. A motion by Mr. Fessenden to postpone its further consideration was voted down, — Yeas 12, Nays 29. After further debate, the final question of ratification was put and carried on the same day by a vote of Yeas 37, Nays 2, — the Nays being Mr. Fessenden, and Mr. Morrill, of Vermont. The ratifications were exchanged June 20th, and the same day the treaty was proclaimed.

The debate was in Executive session, and no reporters were present. Senators interested in the question invited Mr. Sumner to write out his remarks and give them to the public. For some time he hesitated, but, taking advantage of the vacation, he applied himself to the work, following precisely in order and subdivision the notes of a single page from which he spoke.

The speech was noticed at home and abroad. At home, the Boston *Journal*, which published it at length, remarked: —

"This speech, it will be remembered, coming from the Chairman of the Committee on Foreign Affairs, and abounding in a mass of pertinent information not otherwise accessible to Senators, exerted a most marked, if not decisive, effect in favor of the ratification of the treaty. Since then, the rumors of Mr. Sumner's exhaustive treatment of the subject, together with the increasing popular interest in our new territory, have stimulated a general desire for the publication of the speech, which we are now enabled to supply. As might be expected, the speech is a monument of comprehensive research, and of skill in the collection and arrangement of facts. It probably comprises about all the information that is extant concerning our new Pacific possessions, and will prove equally interesting to the student of history, the politician, and the man of business."

A Russian translation, by Mr. Buynitzky, appeared at St. Petersburg, with an introduction, whose complimentary character is manifest in its opening: —

"Senator Charles Sumner, of Massachusetts, appears, since the election of Lincoln, as one of the most eloquent and conspicuous representatives of the Republican party. His name stands in the first rank of the zealous propagators of Abolitionism, and all his political activity is directed toward one object, — the completion of the glorious act of enfranchisement of five millions of citizens by a series of laws calculated to secure to freedmen the actual possession of civil and political rights. As Chairman of the Senate Committee upon Foreign Relations, Mr. Sumner

attentively watches the march of affairs in Europe generally; but, in the course of the present decade, his particular attention was attracted by the reforms which took place in Russia. The emancipation of the peasants in our country was viewed with the liveliest sympathy by the American statesman, and this sympathy expressed itself eloquently in his speeches, delivered on various occasions, as well in Congress as in the State conventions of Massachusetts."

A French writer, M. Cochin, whose work on Slavery is an important contribution to the literature of Emancipation, in a later work thus characterizes this speech: —

"All that is known on Russian America has just been presented in a speech, abundant, erudite, eloquent, poetic, pronounced before the Congress of the United States by the great orator, Charles Sumner."[1]

On the appearance of the speech, May 24th, Professor Baird, the accomplished naturalist of the Smithsonian Institution, wrote, expressing the hope that some Boston or New York publisher would reprint what he called the "Essay" in a "book-form," adding: "It deserves some more permanent dress than that of a speech from the *Globe* office." This is done for the first time in the present publication.

These few notices, taken from many, are enough to show the contemporary reception of the speech.

[1] Conférences Américaines, p. 143.

SPEECH.

MR. PRESIDENT, — You have just listened to the reading of the treaty by which Russia cedes to the United States all her possessions on the North American continent and the adjacent islands in consideration of $7,200,000 to be paid by the United States. On the one side is the cession of a vast country, with its jurisdiction and resources of all kinds; on the other side is the purchase-money. Such is the transaction on its face.

BOUNDARIES AND CONFIGURATION.

IN endeavoring to estimate its character, I am glad to begin with what is clear and beyond question. I refer to the boundaries fixed by the treaty. Commencing at the parallel of 54° 40′ north latitude, so famous in our history, the line ascends Portland Canal to the mountains, which it follows on their summits to the point of intersection with the meridian of 141° west longitude, which it ascends to the Frozen Ocean, or, if you please, to the north pole. This is the eastern boundary, separating the region from the British possessions, and it is borrowed from the treaty between Russia and Great Britain in 1825, establishing the relations between these two powers on this continent. It is seen that this boundary is old; the rest is new. Starting from the Frozen Ocean, the western boundary descends Behring

Strait, midway between the two islands of Krusenstern and Ratmanoff, to the parallel of 65° 30′, just below where the continents of America and Asia approach each other the nearest; and from this point it proceeds in a course nearly southwest through Behring Strait, midway between the island of St. Lawrence and Cape Chukotski, to the meridian of 172° west longitude, and thence, in a southwesterly direction, traversing Behring Sea, midway between the island of Attoo on the east and Copper Island on the west, to the meridian of 193° west longitude, leaving the prolonged group of the Aleutian Islands in the possessions transferred to the United States, and making the western boundary of our country the dividing line which separates Asia from America.

Look at the map and observe the configuration of this extensive region, whose estimated area is more than five hundred and seventy thousand square miles. I speak by authority of our own Coast Survey. Including the Sitkan Archipelago at the south, it takes a margin of the main-land fronting on the ocean thirty miles broad and five hundred miles long to Mount St. Elias, the highest peak of the continent, when it turns with an elbow to the west, and along Behring Strait northerly, then rounding to the east along the Frozen Ocean. Here are upwards of four thousand statute miles of coast, indented by capacious bays and commodious harbors without number, embracing the peninsula of Alaska, one of the most remarkable in the world, twenty-five miles in breadth and three hundred miles in length; piled with mountains, many volcanic and some still smoking; penetrated by navigable rivers, one of which is among the largest of the world; studded

with islands standing like sentinels on the coast, and flanked by that narrow Aleutian range which, starting from Alaska, stretches far away to Kamtchatka, as if America were extending a friendly hand to Asia. This is the most general aspect. There are details specially disclosing maritime advantages and approaches to the sea which properly belong to this preliminary sketch. According to accurate estimate, the coast line, including bays and islands, is not less than eleven thousand two hundred and seventy miles. In the Aleutian range, besides innumerable islets and rocks, there are not less than fifty-five islands exceeding three miles in length; there are seven exceeding forty miles, with Oonimak, which is the largest, exceeding seventy-three miles. In our part of Behring Sea there are five considerable islands, the largest of which is St. Lawrence, being more than ninety-six miles long. Add to all these the group south of the peninsula of Alaska, including the Shumagins and the magnificent island of Kadiak, and then the Sitkan group, being archipelago added to archipelago, and the whole together constituting the geographical complement to the West Indies, so that the northwest of the continent answers to the southeast, archipelago for archipelago.

DISCOVERY OF RUSSIAN AMERICA BY BEHRING, UNDER INSTRUCTIONS FROM PETER THE GREAT.

THE title of Russia to all these possessions is derived from prior discovery, being the admitted title by which all European powers have held in North and South America, unless we except what England acquired by conquest from France; but here the title

of France was derived from prior discovery. Russia, shut up in a distant interior and struggling with barbarism, was scarcely known to the other powers at the time they were lifting their flags in the western hemisphere. At a later day the same powerful genius which made her known as an empire set in motion the enterprise by which these possessions were opened to her dominion. Peter, called the Great, himself ship-builder and reformer, who had worked in the ship-yards of England and Holland, was curious to know if Asia and America were separated by the sea, or if they constituted one undivided body with different names, like Europe and Asia. To obtain this information, he wrote with his own hand the following instructions, and ordered his chief admiral to see them carried into execution:—

"One or two boats with decks to be built at Kamtchatka, or at any other convenient place, with which inquiry should be made in relation to the northerly coasts, to see whether they were not contiguous with America, since their end was not known. And this done, they should see whether they could not somewhere find an harbor belonging to Europeans or an European ship. They should likewise set apart some men who were to inquire after the name and situation of the coasts discovered. Of all this an exact journal should be kept, with which they should return to Petersburg."[1]

The Czar died in the winter of 1725; but the Empress Catharine, faithful to the desires of her husband, did not allow this work to be neglected. Vitus Behring, Dane by birth, and navigator of experience, was made commander. The place of embarkation was on

[1] Müller's Voyages from Asia to America, tr. Jefferys, (London, 1764,) p. 45.

the other side of the Asiatic continent. Taking with him officers and ship-builders, the navigator left St. Petersburg by land, 5th February, 1725, and commenced the preliminary journey across Siberia, Northern Asia, and the Sea of Okhotsk, to the coast of Kamtchatka, which they reached only after infinite hardships and delays, sometimes with dogs for horses, and sometimes supporting life by eating leather bags, straps, and shoes. More than three years were consumed in this toilsome and perilous journey. At last, on the 20th of July, 1728, the party was able to set sail in a small vessel, called the Gabriel, and described as "like the packet-boats used in the Baltic." Steering in a northeasterly direction, Behring passed a large island, which he called St. Lawrence, from the saint on whose day it was seen. This island, which is included in the present cession, may be considered as the first point in Russian discovery, as it is also the first outpost of the North American continent. Continuing northward, and hugging the Asiatic coast, Behring turned back only when he thought he had reached the northeastern extremity of Asia, and was satisfied that the two continents were separated from each other. He did not penetrate further north than 67° 30′.

In his voyage Behring was struck by the absence of such great and high waves as in other places are common to the open sea, and he observed fir-trees swimming in the water, although they were unknown on the Asiatic coast. Relations of inhabitants, in harmony with these indications, pointed to "a country at no great distance towards the east." His work was still incomplete, and the navigator, before returning home, put forth again for this discovery, but without

success. By another dreary land journey he made his way back to St. Petersburg in March, 1730, after an absence of five years. Something was accomplished for Russian discovery, and his own fame was engraved on the maps of the world. The strait through which he sailed now bears his name, as also does the expanse of sea he traversed on his way to the strait.

The spirit of discovery continued at St. Petersburg. A Cossack chief, undertaking to conquer the obstinate natives on the northeastern coast, proposed also "to discover the pretended country in the Frozen Sea." He was killed by an arrow before his enterprise was completed. Little is known of the result; but it is stated that the navigator whom he had selected, by name Gwosdeff, in 1730 succeeded in reaching "a strange coast" between sixty-five and sixty-six degrees of north latitude, where he saw people, but could not speak with them for want of an interpreter. This must have been the coast of North America, and not far from the group of islands in Behring Strait, through which the present boundary passes, separating the United States from Russia, and America from Asia.

The Russian desire to get behind the curtain increased. Behring volunteered to undertake the discoveries yet remaining. He was created Commodore, and his old lieutenants were created captains. The Senate, the Admiralty, and the Academy of Sciences at St. Petersburg, all united in the enterprise. Several academicians were appointed to report on the natural history of the coasts visited, among whom was Steller, the naturalist, said to be "immortal" from this association. All of these, with a numerous body of officers, journeyed across Siberia, Northern Asia, and the Sea

of Okhotsk, to Kamtchatka, as Behring had journeyed before. Though ordered in 1732, the expedition was not able to leave the eastern coast until 4th June, 1741, when two well-appointed ships set sail in company "to discover the continent of America." One of these, called the St. Peter, was under Commodore Behring; the other, called the St. Paul, was under Captain Tschirikoff. For some time the two kept together, but in a violent storm and fog they were separated, when each continued the expedition alone.

Behring first saw the continent of North America 18th July, 1741, in latitude 58° 28′. Looking at it from a distance, "the country had terrible high mountains that were covered with snow." Two days later, he anchored in a sheltered bay near a point, which he called, from the saint's day on which he saw it, Cape St. Elias. He was in the shadow of Mount St. Elias. Landing, he found deserted huts, fireplaces, hewn wood, household furniture, arrows, "a whetstone on which it appeared that copper knives had been sharpened," and "store of red salmon." Here also birds unknown in Siberia were noticed by the faithful Steller, among which was the blue-jay, of a peculiar species, now called by his name. At this point, Behring found himself constrained by the elbow in the coast to turn westward, and then in a southerly direction. Hugging the shore, his voyage was constantly arrested by islands without number, among which he zigzagged to find his way. Several times he landed. Once he saw natives, who wore "upper garments of whales' guts, breeches of sealskins, and caps of the skins of sea-lions, adorned with various feathers, especially those of hawks." These "Americans," as they are called, were fishermen, with-

out bows and arrows. They regaled the Russians with "whale's flesh," but declined strong drink. One of them, on receiving a cup of brandy, "spit the brandy out again as soon as he had tasted it, and cried aloud, as if he was complaining to his countrymen how ill he had been used." This was on one of the Shumagin Islands, near the southern coast of the peninsula of Alaska.

Meanwhile the other solitary ship, proceeding on its way, had sighted the same coast 15th July, 1741, in the latitude of 56°. Anchoring at some distance from the steep and rocky cliffs before him, Tschirikoff sent his mate with the long-boat and ten of his best men, provided with small-arms and a brass cannon, to inquire into the nature of the country and to obtain fresh water. The long-boat disappeared behind a headland, and was never seen again. Thinking it might have been damaged in landing, the captain sent his boatswain with the small boat and carpenters, well armed, to furnish necessary assistance. The small boat disappeared also, and was never seen again. At the same time a great smoke was observed continually ascending from the shore. Shortly afterwards, two boats filled with natives sallied forth and lay at some distance from the vessel, when, crying, "*Agai, Agai,*" they put back to the shore. Sorrowfully the Russian navigator turned away, not knowing the fate of his comrades, and unable to help them. This was not far from Sitka.

Such was the first discovery of these northwestern coasts, and such are the first recorded glimpses of the aboriginal inhabitants. The two navigators had different fortunes. Tschirikoff, deprived of his boats, and therefore unable to land, hurried home. Adverse winds

and storms interfered. He supplied himself with fresh water by distilling sea-water or pressing rain-water from the sails. But at last, on the 9th of October, he reached Kamtchatka, with his ship's company of seventy diminished to forty-nine. During this time Behring was driven, like Ulysses, on the uncertain waves. A single tempest raged for seventeen days, so that Andrew Hasselberg, the ancient pilot, who had known the sea for fifty years, declared that he had seen nothing like it in his life. Scurvy came with disheartening horrors. The Commodore himself was a sufferer. Rigging broke; cables snapped; anchors were lost. At last the tempest-tossed vessel was cast upon a desert island, then without a name, where the Commodore, sheltered in a ditch, and half covered with sand as a protection against cold, died, 8th December, 1741. His body, after his decease, was "scraped out of the ground" and buried on this island, which is called by his name, and constitutes an outpost of the Asiatic continent. Thus the Russian navigator, after the discovery of America, died in Asia. Russia, by the recent demarcation, does not fail to retain his last resting-place among her possessions.

TITLE OF RUSSIA.

For some time after these expeditions, by which Russia achieved the palm of discovery, imperial enterprise in those seas slumbered. The knowledge already acquired was continued and confirmed only by private individuals, who were led there in quest of furs. In 1745 the Aleutian Islands were discovered by an adventurer in search of sea-otters. In successive voyages all these islands were visited for similar

purposes. Among these was Oonalaska, the principal of the group of Fox Islands, constituting a continuation of the Aleutian Islands, whose inhabitants and productions were minutely described. In 1768 private enterprise was superseded by an expedition ordered by the Empress Catharine, which, leaving Kamtchatka, explored this whole archipelago and the peninsula of Alaska, which to the islanders stood for the whole continent. Shortly afterwards, all these discoveries, beginning with those of Behring and Tschirikoff, were verified by the great English navigator, Captain Cook. In 1778 he sailed along the northwestern coast, "near where Tschirikoff anchored in 1741"; then again in sight of mountains "wholly covered with snow from the highest summit down to the sea-coast," with "the summit of an elevated mountain above the horizon," which he supposed to be the Mount St. Elias of Behring; then by the very anchorage of Behring; then among the islands through which Behring zigzagged, and along the coast by the island of St. Lawrence, until arrested by ice. If any doubt existed with regard to Russian discoveries, it was removed by the authentic report of this navigator, who shed such a flood of light upon the geography of the whole region.

Such from the beginning is the title of Russia, dating at least from 1741. I have not stopped to quote volume and page, but I beg to be understood as following approved authorities, and I refer especially to the Russian work of Müller, already cited, on the "Voyages from Asia to America," the volume of Coxe on "Russian Discoveries," with its supplement on the "Comparative View of the Russian Discoveries," the volume of Sir John Barrow on "Voyages into the Arctic Regions,"

Burney's "Northeastern Voyages," and the third voyage of Captain Cook, unhappily interrupted by his tragical death from the natives of the Sandwich Islands, but not until after the exploration of this coast.

There were at least four other Russian expeditions, by which this title was confirmed, if it needed any confirmation. The first was ordered by the Empress Catharine, in 1785. It was under the command of Commodore Billings, an Englishman in the service of Russia, and was narrated from the original papers by Martin Sauer, secretary of the expedition. In the instructions from the Admiralty at St. Petersburg the Commodore was directed to take possession of "such coasts and islands as he shall first discover, whether inhabited or not, that cannot be disputed, and are not yet subject to any European power, with consent of the inhabitants, if any"; and this was to be accomplished by setting up "posts marked with the arms of Russia, with letters indicating the time of discovery, a short account of the people, their voluntary submission to the Russian sovereignty, and that this was done under the glorious reign of the great Catharine the Second."[1] The next was in 1803 – 6, in the interest of the Russian American Company, with two ships, one under the command of Captain Krusenstern, and the other of Captain Lisiansky, of the Russian navy. It was the first Russian voyage round the world, and lasted three years. During its progress, Lisiansky visited the northwest coast of America, and especially Sitka and the island of Kadiak. Still another enterprise, organized by the celebrated minister Count Romanzoff, and at

[1] Articles XV., XVI.: Billings's Expedition, Appendix, No. V., pp. 41, 42.

his expense, left Russia in 1815, under the command of Lieutenant Kotzebue, an officer of the Russian navy, and son of the German dramatist, whose assassination darkened the return of the son from his long voyage. It is enough for the present to say of this expedition that it has left its honorable traces on the coast even as far as the Frozen Ocean. There remains the enterprise of Lütke, at the time captain, and afterward admiral in the Russian navy, which was a voyage of circumnavigation, embracing especially the Russian possessions, commenced in 1826, and described in French with instructive fulness. With him sailed the German naturalist Kittlitz, who has done so much to illustrate the natural history of this region.

A FRENCH ASPIRATION ON THIS COAST.

So little was the Russian title recognized for some time, that, when the unfortunate expedition of La Pérouse, with the frigates Boussole and Astrolabe, stopped on this coast in 1786, he did not hesitate to consider the friendly harbor, in latitude 58° 36′, where he was moored, as open to permanent occupation. Describing this harbor, which he named Port des Français, as sheltered behind a breakwater of rocks, with a calm sea and a mouth sufficiently large, he announces that Nature seemed to have created at the extremity of America a port like that of Toulon, but vaster in plan and accommodations; and then, considering that it had never been discovered before, that it was situated thirty-three leagues northwest of Los Remedios, the limit of Spanish navigation, about two hundred and twenty-four leagues from Nootka, and a hundred leagues

from Prince William Sound, the mariner records his judgment, that, "if the French Government had any project of a factory on this part of the coast of America, no nation could pretend to have the slightest right to oppose it."[1] Thus quietly was Russia dislodged. The frigates sailed further on their voyage, and never returned to France. Their fate was unknown, until, after fruitless search and the lapse of a generation, some relics from them were accidentally found on an obscure island of the Southern Pacific. The unfinished journal of La Pérouse, recording his visit to this coast, had been sent overland, by way of Kamtchatka and Siberia, to France, where it was published by a decree of the National Assembly, thus making known his supposed discovery and his aspiration.

EARLY SPANISH CLAIM.

SPAIN also has been a claimant. In 1775, Bodega, a Spanish navigator, seeking new opportunities to plant the Spanish flag, reached the parallel of 58° on this coast, not far from Sitka; but this supposed discovery was not followed by any immediate assertion of dominion. The universal aspiration of Spain had embraced this whole region even at an early day, and shortly after the return of Bodega another enterprise was equipped to verify the larger claim, being nothing less than the original title as discoverer of the strait between America and Asia, and of the conterminous continent, under the name of Anian. This curious episode is not out of place in the present brief history. It has two branches: one concerning early maps, on

[1] Voyage, Tom. II. p. 147.

which straits are represented between America and Asia under the name of Anian; the other concerning a pretended attempt by a Spanish navigator at an early day to find these straits.

There can be no doubt that early maps exist with northwestern straits marked Anian. There are two in the Congressional Library, in atlases of the years 1680 and 1717; but these are of a date comparatively modern. Engel, in his "Mémoires Géographiques," mentions several earlier, which he believes genuine. There is one purporting to be by Zaltieri, and bearing date 1566, an authentic pen-and-ink copy of which is now before me, from the collection of our own Coast Survey. On this very interesting map, which is without latitude or longitude, the western coast of the continent is delineated with a strait separating it from Asia not unlike Behring's in outline, and with the name in Italian, *Stretto di Anian.* Southward the coast has a certain conformity with what is now known to exist. Below is an indentation corresponding to Bristol Bay; then a peninsula somewhat broader than that of Alaska; then the elbow of the coast; then, lower down, three islands, not unlike Sitka, Queen Charlotte, and Vancouver; and then, further south, is the peninsula of Lower California. Sometimes the story of Anian is explained by the voyage of the Portuguese navigator Gaspar de Corte-real, in 1500, when, on reaching Hudson Bay in quest of a passage round America, he imagined that he had found it, and proceeded to name his discovery "in honor of two brothers who accompanied him." Very soon maps began to record the Strait of Anian; but this does not explain the substantial conformity of the early delineation with the reality, which seems truly remarkable.

The other branch of inquiry is more easily disposed of. This turns on a Spanish document entitled "A Relation of the Discovery of the Strait of Anian, made by me, Captain Lorenzo Ferrer Maldonado, in the Year 1588."[1] If this early account of a northwest passage from the Atlantic to the Pacific were authentic, the whole question would be settled; but recent geographers indignantly discard it as a barefaced imposture. Clearly Spain once regarded it otherwise; for her Government in 1789 sent out an expedition "to discover the strait by which Laurent Ferrer Maldonado was supposed to have passed, in 1588, from the coast of Labrador to the Great Ocean."[2] The expedition was unsuccessful, and nothing more has been heard of any claim from this pretended discovery. The story of Maldonado has taken its place in the same category with that of Munchausen.

REASONS FOR CESSION BY RUSSIA.

TURNING from the question of title, which time and testimony have already settled, I meet the inquiry, Why does Russia part with possessions associated with the reign of her greatest ruler and filling an important chapter of geographical history? Here I am without information not open to others. But I do not forget that the first Napoleon, in parting with Louisiana, was controlled by three several considerations. First, he needed the purchase-money for his treasury; secondly, he was unwilling to leave this distant unguarded terri-

[1] A translation of this document is given in Barrow's Arctic Voyages, Appendix, No. II., pp. 24, seqq.

[2] Voyage of Malaspina: Barrow, p. 127.

tory a prey to Great Britain, in the event of hostilities, which seemed at hand; and, thirdly, he was glad, according to his own remarkable language, "to establish forever the power of the United States, and give to England a maritime rival that would sooner or later humble her pride."[1] Such is the record of history. Perhaps a similar record may be made hereafter with regard to the present cession. There is reason to imagine that Russia, with all her great empire, is financially poor; so that these few millions may not be unimportant to her. It is by foreign loans that her railroads have been built and her wars aided. All, too, must see that in those "coming events" which now more than ever "cast their shadows before" it will be for her advantage not to hold outlying possessions from which thus far she has obtained no income commensurate with the possible expense for their protection. Perhaps, like a wrestler, she strips for the contest, which I trust sincerely may be averted. Besides, I cannot doubt that her enlightened Emperor, who has given pledges to civilization by an unsurpassed act of Emancipation, would join the first Napoleon in a desire to enhance the maritime power of the United States.

These general considerations are reinforced, when we call to mind the little influence which Russia has been able thus far to exercise in this region. Though possessing dominion for more than a century, the gigantic power has not been more genial or productive there than the soil itself. Her government is little more than a name or a shadow. It is not even a skeleton. It is hardly visible. Its only representative is a fur company, to which has been added latterly an ice com-

[1] Barbé-Marbois, Histoire de la Louisiane, (Paris, 1829,) p. 335.

pany. The immense country is without form and without light, without activity and without progress. Distant from the imperial capital, and separated from the huge bulk of Russian empire, it does not share the vitality of a common country. Its life is solitary and feeble. Its settlements are only encampments or lodges. Its fisheries are only a petty perquisite, belonging to local or personal adventurers rather than to the commerce of nations.

In these statements I follow the record. So little were these possessions regarded during the last century that they were scarcely recognized as a component part of the empire. I have now before me an authentic map, published by the Academy of Sciences at St. Petersburg in 1776, and reproduced at London in 1780, entitled "General Map of the Russian Empire,"[1] where you will look in vain for Russian America, unless we except the links of the Aleutian chain nearest to the two continents. Alexander Humboldt, whose geographical insight was unerring, in his great work on New Spain, published in 1811, after stating that he is able from an official document to give the position of the Russian factories on the American continent, says that they are "for the most part mere collections of sheds and cabins, but serving as storehouses for the fur-trade." He remarks further that "the larger part of these small Russian colonies communicate with each other only by sea"; and then, putting us on our guard not to expect too much from a name, he proceeds to say that "the new denomination of 'Russian America,' or 'Russian Possessions on the New Continent,' must not lead us to think that the coasts of Behring's

[1] Prefixed to Coxe's Russian Discoveries (London, 1780).

Basin, the peninsula of Alaska, or the country of the Tchuktchi have become Russian provinces in the sense given to this word in speaking of the Spanish provinces of Sonora or New Biscay."[1] Here is a distinction between the foothold of Spain in California and the foothold of Russia in North America which will at least illustrate the slender power of the latter in this region.

In ceding possessions so little within the sphere of her empire, embracing more than one hundred nations or tribes, Russia gives up no part of herself; and even if she did, the considerable price paid, the alarm of war which begins to fill our ears, and the sentiments of friendship declared for the United States would explain the transaction.

THE NEGOTIATION, IN ITS ORIGIN AND COMPLETION.

I AM not able to say when the idea of this cession first took shape. I have heard that it was as long ago as the Administration of Mr. Polk. It is within my knowledge that the Russian Government was sounded on the subject during the Administration of Mr. Buchanan. This was done through Mr. Gwin, at the time Senator of California, and Mr. Appleton, Assistant Secretary of State. For this purpose the former had more than one interview with the Russian minister at Washington, some time in December, 1859, in which, while professing to speak for the President unofficially, he represented that "Russia was too far off to make the most of these possessions, and that, as we were near, we could derive more from them." In reply to an inquiry

[1] Essai Politique sur le Royaume de la Nouvelle-Espagne, Tom. I. pp. 344-346.

of the Russian minister, Mr. Gwin said that "the United States could go as high as $5,000,000 for the purchase," on which the former made no comment. Mr. Appleton, on another occasion, said to the minister that "the President thought the acquisition would be very profitable to the States on the Pacific; that he was ready to follow it up, but wished to know in advance if Russia was ready to cede; that, if she were, he would confer with his Cabinet and influential members of Congress." All this was unofficial; but it was promptly communicated to the Russian Government, who seem to have taken it into careful consideration. Prince Gortchakoff, in a despatch which reached here early in the summer of 1860, said that "the offer was not what might have been expected, but that it merited mature reflection; that the Minister of Finance was about to inquire into the condition of these possessions, after which Russia would be in a condition to treat." The Prince added for himself, that "he was by no means satisfied personally that it would be for the interest of Russia politically to alienate these possessions; that the only consideration which could make the scales incline that way would be the prospect of great financial advantages, but that the sum of $5,000,000 did not seem in any way to represent the real value of these possessions"; and he concluded by asking the minister to tell Mr. Appleton and Senator Gwin that the sum offered was not considered "an equitable equivalent." The subject was submerged by the Presidential election which was approaching, and then by the Rebellion. It will be observed that this attempt was at a time when politicians who believed in the perpetuity of Slavery still had power. Mr. Buchanan was Presi-

dent, and he employed as his intermediary a known sympathizer with Slavery, who shortly afterwards became a Rebel. Had Russia been willing, it is doubtful if this controlling interest would have sanctioned any acquisition too far north for Slavery.

Meanwhile the Rebellion was brought to an end, and peaceful enterprise was renewed, which on the Pacific coast was directed toward the Russian possessions. Our people there, wishing new facilities to obtain fish, fur, and ice, sought the intervention of the National Government. The Legislature of Washington Territory, in the winter of 1866, adopted the following memorial to the President of the United States, entitled "In reference to the cod and other fisheries."

"To his Excellency Andrew Johnson,
"*President of the United States.*

"Your memorialists, the Legislative Assembly of Washington Territory, beg leave to show that abundance of codfish, halibut, and salmon, of excellent quality, have been found along the shores of the Russian possessions. Your memorialists respectfully request your Excellency to obtain such rights and privileges of the Government of Russia as will enable our fishing vessels to visit the ports and harbors of its possessions, to the end that fuel, water, and provisions may be easily obtained, that our sick and disabled fishermen may obtain sanitary assistance, together with the privilege of curing fish and repairing vessels in need of repairs. Your memorialists further request that the Treasury Department be instructed to forward to the collector of customs of this Puget Sound district such fishing licenses, abstract journals, and log-books as will enable our hardy fishermen to obtain the bounties now provided and paid to the fishermen in the Atlantic States. Your memorialists finally pray your Excellency to employ such ships as may be spared from the

Pacific naval fleet in exploring and surveying the fishing banks known to navigators to exist along the Pacific coast from the Cortés Bank to Behring Straits. And, as in duty bound, your memorialists will ever pray.

"Passed the House of Representatives January 10, 1866.

"EDWARD ELDRIDGE,
"*Speaker House of Representatives.*

"Passed the Council January 13, 1866.

"HARVEY K. HINES,
"*President of the Council.*"

This memorial, on presentation to the President, in February, 1866, was referred to the Secretary of State, by whom it was communicated to Mr. de Stoeckl, the Russian minister, with remarks on the importance of some early and comprehensive arrangement between the two powers to prevent the growth of difficulties, especially from the fisheries in that region. At the same time reports began to prevail of extraordinary wealth in fisheries, especially the whale and cod, promising to become an important commerce on the Pacific coast.

Shortly afterwards another influence was felt. Mr. Cole, who had been recently elected to the Senate from California, acting in behalf of certain persons in that State, sought from the Russian Government a license or franchise to gather furs in a portion of its American possessions. The charter of the Russian American Company was about to expire. This company had already underlet to the Hudson's Bay Company all its franchise on the main-land between 54° 40′ and Cape Spencer; and now it was proposed that an American company, holding directly from the Russian Government, should be substituted for the latter. The mighty Hudson's Bay Company, with headquarters in London,

was to give way to an American company, with headquarters in California. Among letters on this subject addressed to Mr. Cole, and now before me, is one dated San Francisco, April 10, 1866, in which the scheme is developed: —

"There is at the present time a good chance to organize a fur-trading company, to trade between the United States and the Russian possessions in America; and as the charter formerly granted to the Hudson's Bay Company has expired, this would be the opportune moment to start in..... I should think that by a little management this charter could be obtained from the Russian Government for ourselves, as I do not think they are very willing to renew the charter of the Hudson's Bay Company, and I think they would give the preference to an American company, especially if the company should pay to the Russian Government five per cent. on the gross proceeds of their transactions, and also aid in civilizing and ameliorating the condition of the Indians by employing missionaries, if required by the Russian Government. For the faithful performance of the above we ask a charter for the term of twenty-five years, to be renewed for the same length of time, if the Russian Government finds the company deserving, — the charter to invest us with the right of trading in all the country between the British American line and the Russian Archipelago..... Remember, we wish for the same charter as was formerly granted to the Hudson's Bay Company, and we offer in return more than they did."

Another correspondent of Mr. Cole, under date of San Francisco, September 17, 1866, wrote: —

"I have talked with a man who has been on the coast and in the trade for ten years past, and he says it is much more valuable than I have supposed, and I think it very important to obtain it, if possible."

The Russian minister at Washington, whom Mr. Cole saw repeatedly upon the subject, was not authorized to act, and the latter, after conference with the Department of State, was induced to address Mr. Clay, minister of the United States at St. Petersburg, who laid the application before the Russian Government. This was an important step. A letter from Mr. Clay, dated at St. Petersburg as late as February 1, 1867, makes the following revelation.

"The Russian Government has already ceded away its rights in Russian America for a term of years, and the Russo-American Company has also ceded the same to the Hudson's Bay Company. This lease expires in June next, and the president of the Russo-American Company tells me that they have been in correspondence with the Hudson's Bay Company about a renewal of the lease for another term of twenty-five or thirty years. Until he receives a definite answer, he cannot enter into negotiations with us or your California company. My opinion is, that, if he can get off with the Hudson's Bay Company, he will do so, when we can make some arrangements with the Russo-American Company."

Some time had elapsed since the original attempt of Mr. Gwin, also a Senator from California, and it is probable that the Russian Government had obtained information which enabled it to see its way more clearly. It will be remembered that Prince Gortchakoff had promised an inquiry, and it is known that in 1861 Captain-Lieutenant Golowin, of the Russian navy, made a detailed report on these possessions. Mr. Cole had the advantage of his predecessor. There is reason to believe, also, that the administration of the fur company had not been entirely satisfactory, so that there

were well-founded hesitations with regard to the renewal of its franchise. Meanwhile, in October, 1866, Mr. de Stoeckl, who had long been the Russian minister at Washington, and enjoyed in a high degree the confidence of our Government, returned home on leave of absence, promising his best exertions to promote good relations between the two countries. While he was at St. Petersburg, the applications from the United States were under consideration; but the Russian Government was disinclined to any minor arrangement of the character proposed. Obviously something like a crisis was at hand with regard to these possessions. The existing government was not adequate. The franchises granted there were about to terminate. Something must be done. As Mr. de Stoeckl was leaving for his post, in February, the Archduke Constantine, brother and chief adviser of the Emperor, handed him a map with the lines in our treaty marked upon it, and told him he might treat for cession with those boundaries. The minister arrived in Washington early in March. A negotiation was opened at once. Final instructions were received by the Atlantic cable, from St. Petersburg, on the 29th of March, and at four o'clock on the morning of the 30th of March this important treaty was signed by Mr. Seward on the part of the United States and by Mr. de Stoeckl on the part of Russia.

Few treaties have been conceived, initiated, prosecuted, and completed in so simple a manner, without protocol or despatch. The whole negotiation is seen in its result, unless we except two brief notes, which constitute all that passed between the negotiators. These have an interest general and special, and I conclude the history of this transaction by reading them.

"DEPARTMENT OF STATE, WASHINGTON, March 23, 1867.

"SIR, — With reference to the proposed convention between our respective Governments for a cession by Russia of her American territory to the United States, I have the honor to acquaint you that I must insist upon that clause in the sixth article of the draft which declares the cession to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions by any associated companies, whether corporate or incorporate, Russian or any other, &c., and must regard it as an ultimatum. With the President's approval, however, I will add $200,000 to the consideration money on that account.

"I avail myself of this occasion to offer to you a renewed assurance of my most distinguished consideration.

"WILLIAM H. SEWARD.

"MR. EDWARD DE STOECKL, &c., &c., &c."

[TRANSLATION.]

"WASHINGTON, March 17 [29], 1867.

"MR. SECRETARY OF STATE, — I have the honor to inform you, that, by a telegram, dated 16th [28th] of this month, from St. Petersburg, Prince Gortchakoff informs me that his Majesty the Emperor of all the Russias gives his consent to the cession of the Russian possessions on the American continent to the United States, for the stipulated sum of $7,200,000 in gold, and that his Majesty the Emperor invests me with full powers to negotiate and sign the treaty.

"Please accept, Mr. Secretary of State, the assurance of my very high consideration.

"STOECKL.

"TO HON. WILLIAM H. SEWARD,
"*Secretary of State of the United States.*"

THE TREATY.

THE treaty begins with the declaration, that "the United States of America and his Majesty the Em-

peror of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them," have appointed plenipotentiaries, who have proceeded to sign articles, wherein it is stipulated on behalf of Russia that "his Majesty the Emperor of all the Russias agrees to cede to the United States by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth"; and it is stipulated on behalf of the United States, that, "in consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias duly authorized to receive the same, $7,200,000 in gold." The ratifications are to be exchanged within three months from the date of the treaty, or sooner, if possible.[1]

Beyond the consideration founded on the desire of "strengthening the good understanding" between the two countries, there is the pecuniary consideration already mentioned, which underwent a change in the progress of the negotiation. The sum of seven millions was originally agreed upon; but when it appeared that there was a fur company and also an ice company enjoying monopolies under the existing government, it was thought best that these should be extinguished, in consideration of which our Government added two hundred thousand to the purchase-money, and the Russian

[1] United States Statutes at Large, Vol. XV. pp. 539-543.

Government in formal terms declared "the cession of territory and dominion to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property-holders." Thus the United States receive the cession free of all incumbrances, so far at least as Russia is in a condition to make it. The treaty proceeds to say: "The cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion and appurtenances thereto."[1] In other words, Russia conveys all she has to convey.

QUESTIONS ARISING UNDER THE TREATY.

THERE are questions, not unworthy of attention, which arise under the treaty between Russia and Great Britain, fixing the eastern limits of these possessions, and conceding certain privileges to the latter power. By this treaty, signed at St. Petersburg, 28th February, 1825, after fixing the boundaries between the Russian and British possessions, it is provided that "for the space of *ten years* from the signature of the present convention, the vessels of the two powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, and creeks on the coast, for the purposes of fishing and of trading with the natives"; and also that "the port of Sitka, or Novo Archangelsk, shall be open to the commerce and vessels of British subjects for the space of *ten years* from

[1] Article VI.

the date of the exchange of the ratifications of the present convention."[1] In the same treaty it is also provided that "the subjects of his Britannic Majesty, from whatever quarter they may arrive, whether from the ocean or from the interior of the continent, shall *forever* enjoy the right of navigating freely and without any hindrance whatever all the rivers and streams which in their course towards the Pacific Ocean may cross the line of demarcation."[2] Afterwards a treaty of commerce and navigation between Russia and Great Britain was signed at St. Petersburg, 11th January, 1843, subject to be terminated on notice from either party at the expiration of ten years, in which it is provided, that, "in regard to commerce and navigation in the Russian possessions on the northwest coast of America, the convention concluded at St. Petersburg on the $\frac{16}{28}$th February, 1825, continues in force."[3] Then ensued the Crimean War between Russia and Great Britain, effacing or suspending treaties. Afterwards another treaty of commerce and navigation was signed at St. Petersburg, 12th January, 1859, subject to be terminated on notice from either party at the expiration of ten years, which repeats the last provision.[4]

Thus we have three different stipulations on the part of Russia: one opening seas, gulfs, and havens on the Russian coast to British subjects for fishing and trading with the natives; the second making Sitka a free port to British subjects; and the third making British rivers which flow through the Russian possessions forever free to British navigation. Do the United States succeed to these stipulations?

[1] Articles VII., VIII.: Hertslet's Commercial Treaties, Vol. III. p. 365.
[2] Art. VI.: Ibid.
[3] Art. XII.: Ibid., Vol. VI. p. 767.
[4] Ibid., Vol. X. p. 1063.

Among these I make a distinction in favor of the last, which by its language is declared to be "forever," and may have been in the nature of an equivalent at the settlement of boundaries between the two powers. But whatever its terms or its origin, it is obvious that it is nothing but a declaration of public law, as always expounded by the United States, and now recognized on the continent of Europe. While pleading with Great Britain, in 1826, for the free navigation of the St. Lawrence, Mr. Clay, then Secretary of State, said that "the American Government did not mean to contend for any principle the benefit of which in analogous circumstances it would deny to Great Britain."[1] During the same year, Mr. Gallatin, our minister in London, when negotiating with Great Britain for the adjustment of boundaries on the Pacific, proposed, that, "if the line should cross any of the branches of the Columbia at points from which they are navigable by boats to the main stream, the navigation of such branches and of the main stream should be perpetually free and common to the people of both nations."[2] At an earlier day the United States made the same claim with regard to the Mississippi, and asserted, as a general principle, that, "if the right of the upper inhabitants to descend the stream was in any case obstructed, it was an act of force by a stronger society against a weaker, condemned by the judgment of mankind."[3] By these admissions our country is estopped, even if the public law of the European continent, first declared at Vienna with regard

[1] Wheaton's Elements of International Law, ed. Lawrence, (Boston, 1863,) Part II. ch. 4, § 19, p. 359.

[2] Greenhow, History of Oregon and California, p. 346. Executive Documents, 20th Cong. 1st Sess., H. of R., No. 199, pp. 23, 44.

[3] Wheaton, Part II. ch. 4, § 18, p. 353.

to the Rhine, did not offer an example which we cannot afford to reject. I rejoice to believe that on this occasion we apply to Great Britain the generous rule which from the beginning we have claimed for ourselves.

The two other stipulations are different in character. They are not declared to be "forever," and do not stand on any principle of public law. Even if subsisting now, they cannot be onerous. I doubt much if they are subsisting now. In succeeding to the Russian possessions, it does not follow that the United States succeed to ancient obligations assumed by Russia, as if, according to a phrase of the Common Law, they were "covenants running with the land." If these stipulations are in the nature of *servitudes*, they depend for their duration on the sovereignty of Russia, and are *personal* or *national* rather than *territorial*. So, at least, I am inclined to believe. But it is hardly profitable to speculate on a point of so little practical value. Even if "running with the land," these servitudes can be terminated at the expiration of ten years from the last treaty by notice, which equitably the United States may give, so as to take effect on the 12th of January, 1869. Meanwhile, during this brief period, it will be easy by Act of Congress in advance to limit importations at Sitka, so that this "free port" shall not be made the channel or doorway by which British goods are introduced into the United States free of duty.

GENERAL CONSIDERATIONS ON THE TREATY.

FROM this survey of the treaty, as seen in its origin and the questions under it, I might pass at once to a survey of the possessions which have been conveyed;

but there are other matters of a more general character which present themselves at this stage and challenge judgment. These concern nothing less than the unity, power, and grandeur of the Republic, with the extension of its dominion and its institutions. Such considerations, where not entirely inapplicable, are apt to be controlling. I do not doubt that they will in a great measure determine the fate of this treaty with the American people. They are patent, and do not depend on research or statistics. To state them is enough.

1. *Advantages to the Pacific Coast.* — Foremost in order, if not in importance, I put the desires of our fellow-citizens on the Pacific coast, and the special advantages they will derive from this enlargement of boundary. They were the first to ask for it, and will be the first to profit by it. While others knew the Russian possessions only on the map, they knew them practically in their resources. While others were indifferent, they were planning how to appropriate Russian peltries and fisheries. This is attested by the resolutions of the Legislature of Washington Territory; also by the exertions at different times of two Senators from California, who, differing in political sentiments and in party relations, took the initial steps which ended in this treaty.

These well-known desires were founded, of course, on supposed advantages; and here experience and neighborhood were prompters. Since 1854 the people of California have received their ice from the fresh-water lakes in the island of Kadiak, not far westward from Mount St. Elias. Later still, their fishermen have

searched the waters about the Aleutians and the Shumagins, commencing a promising fishery. Others have proposed to substitute themselves for the Hudson's Bay Company in their franchise on the coast. But all are looking to the Orient, as in the time of Columbus, although like him they sail to the west. To them China and Japan, those ancient realms of fabulous wealth, are the Indies. To draw this commerce to the Pacific coast is no new idea. It haunted the early navigators. Meares, the Englishman, whose voyage in the intervening seas was in 1788, recounts a meeting with Gray, the Boston navigator, whom he found "very sanguine in the superior advantages which his countrymen from New England might reap from this track of trade, and big with many mighty projects."[1] He closes his volumes with an essay entitled "Some Account of the Trade between the Northwest Coast of America and China, &c.," in the course of which[2] he dwells on the "great and very valuable source of commerce" offered by China as "forming a chain of trade between Hudson's Bay, Canada, and the Northwest Coast"; and then he exhibits on the American side the costly furs of the sea-otter, still so much prized in China, — "mines which are known to lie between the latitudes of 40° and 60° north," — and also ginseng "in inexhaustible plenty," for which there is still such demand in China, that even Minnesota, at the head-waters of the Mississippi, supplies her contribution. His catalogue might be extended now.

As a practical illustration of this idea, it may be mentioned, that, for a long time, most, if not all, the sea-otter skins of this coast found their way to China.

[1] Voyages from China to the Northwest Coast of America, (London, 1791,) Vol. I. p. 354.

[2] Ibid., Vol. II. pp. 283-291.

China was the best customer, and therefore Englishmen and Americans followed the Russian Company in carrying these furs to her market, so that Pennant, the English naturalist, impressed by the peculiar advantages of the coast, exclaimed, "What a profitable trade [with China] might not a colony carry on, was it possible to penetrate to these parts of North America by means of the rivers and lakes!"[1] Under the present treaty this coast is ours.

The absence of harbors belonging to the United States on the Pacific limits the outlets of the country. On that whole extent, from Panama to Puget Sound, the only harbor of any considerable value is San Francisco. Further north the harbors are abundant, and they are all nearer to the great marts of Japan and China. But San Francisco itself will be nearer by the way of the Aleutians than by Honolulu. The projection of maps is not always calculated to present an accurate idea of distances. From measurement on a globe it appears that a voyage from San Francisco to Hong Kong by the common way of the Sandwich Islands is 7,140 miles, but by way of the Aleutian Islands it is only 6,060 miles, being a saving of more than one thousand miles, with the enormous additional advantage of being obliged to carry much less coal. Of course a voyage from Sitka, or from Puget Sound, the terminus of the Northern Pacific Railroad, would be shorter still.

The advantages to the Pacific coast have two aspects, — one domestic, and the other foreign. Not only does the treaty extend the coasting trade of California, Oregon, and Washington Territory northward, but it also extends the base of commerce with China and Japan.

[1] Arctic Zoölogy (London, 1792), Vol. I. p. 104.

To unite the East of Asia with the West of America is the aspiration of commerce now as when the English navigator recorded his voyage. Of course, whatever helps this result is an advantage. The Pacific Railroad is such an advantage; for, though running westward, it will be, when completed, a new highway to the East. This treaty is another advantage; for nothing can be clearer than that the western coast must exercise an attraction which will be felt in China and Japan just in proportion as it is occupied by a commercial people communicating readily with the Atlantic and with Europe. This cannot be without consequences not less important politically than commercially. Owing so much to the Union, the people there will be bound to it anew, and the national unity will receive another confirmation. Thus the whole country will be a gainer. So are we knit together that the advantages to the Pacific coast will contribute to the general welfare.

2. *Extension of Dominion.* — The extension of dominion is another consideration calculated to captivate the public mind. Few are so cold or philosophical as to regard with insensibility a widening of the bounds of country. Wars have been regarded as successful, when they have given a new territory. The discoverer who had planted the flag of his sovereign on a distant coast has been received as a conqueror. The ingratitude exhibited to Columbus during his later days was compensated by the epitaph, that he had "found a new world for Castile and Leon."[1] His discoveries were

[1] "Por Castilla y por Leon
Nuevo mundo halló Colon."

continued by other navigators, and Spain girdled the earth with her possessions. Portugal, France, Holland, England, each followed the example of Spain, and rejoiced in extended empire.

Territorial acquisitions are among the landmarks of our history. In 1803, Louisiana, embracing the valley of the Mississippi, was acquired from France for fifteen million dollars. In 1819, Florida was acquired from Spain for about three million dollars. In 1845, Texas was annexed without purchase, but subsequently, under the compromises of 1850, an allowance of twelve and three fourth million dollars was made to her. In 1848, California, New Mexico, and Utah were acquired from Mexico after war, and on payment of fifteen million dollars. In 1854, Arizona was acquired from Mexico for ten million dollars. And now it is proposed to acquire Russian America.

The passion for acquisition, so strong in the individual, is not less strong in the community. A nation seeks an outlying territory, as an individual seeks an outlying farm. The passion shows itself constantly. France, passing into Africa, has annexed Algeria. Spain set her face in the same direction, but without the same success. There are two great powers with which annexion has become a habit. One is Russia, which from the time of Peter has been moving her flag forward in every direction, so that on every side her limits have been extended. Even now the report comes that she is lifting her southern landmarks in Asia, so as to carry her boundary to India. The other annexionist is Great Britain, which from time to time adds another province to her Indian empire. If the United States have from time to time added to their dominion, they have only

yielded to the universal passion, although I do not forget that the late Theodore Parker was accustomed to speak of Anglo-Saxons as among all people remarkable for "greed of land." It was land, not gold, that aroused the Anglo-Saxon phlegm. I doubt, however, if this passion be stronger with us than with others, except, perhaps, that in a community where all participate in government the national sentiments are more active. It is common to the human family. There are few anywhere who could hear of a considerable accession of territory, obtained peacefully and honestly, without a pride of country, even if at certain moments the judgment hesitated. With increased size on the map there is increased consciousness of strength, and the heart of the citizen throbs anew as he traces the extending line.

3. *Extension of Republican Institutions.*—More than the extension of dominion is the extension of republican institutions, which is a traditional aspiration. It was in this spirit that Independence was achieved. In the name of Human Rights our fathers overthrew the kingly power, whose representative was George the Third. They set themselves openly against this form of government. They were against it for themselves, and offered their example to mankind. They were Roman in character, and turned to Roman lessons. With cynical austerity the early Cato said that kings were "carnivorous animals," and probably at his instance it was decreed by the Roman Senate that no king should be allowed within the gates of the city. A kindred sentiment, with less austerity of form, has been received from our fathers; but our city can be nothing less than the

North American continent, with its gates on all the surrounding seas.

John Adams, in the preface to his Defence of the American Constitutions, written in London, where he resided at the time as minister, and dated January 1, 1787, at Grosvenor Square, the central seat of aristocratic fashion, after exposing the fabulous origin of the kingly power in contrast with the simple origin of our republican constitutions, thus for a moment lifts the curtain: "Thirteen governments," he says plainly, "thus founded on the natural authority of the people alone, without a pretence of miracle or mystery, and *which are destined to spread over the northern part of that whole quarter of the globe*, are a great point gained in favor of the rights of mankind."[1] Thus, according to the prophetic minister, even at that early day was the destiny of the Republic manifest. It was to spread over the northern part of the American quarter of the globe, and it was to help the rights of mankind.

By the text of our Constitution, the United States are bound to guaranty "a republican form of government" to every State in the Union; but this obligation, which is applicable only at home, is an unquestionable indication of the national aspiration everywhere. The Republic is something more than a local policy; it is a general principle, not to be forgotten at any time, especially when the opportunity is presented of bringing an immense region within its influence. Elsewhere it has for the present failed; but on this account our example is more important. Who can forget the generous lament of Lord Byron, whose passion for Freedom was not mitigated by his rank as

[1] Works, Vol. IV. p. 293.

an hereditary legislator of England, when he exclaims, in memorable verse, —

> "The name of Commonwealth is past and gone
> O'er the three fractions of the groaning globe"?

Who can forget the salutation which the poet sends to the "one great clime," which, nursed in Freedom, enjoys what he calls the "proud distinction" of not being confounded with other lands, —

> "Whose sons must bow them at a monarch's motion,
> As if his senseless sceptre were a wand"?

The present treaty is a visible step in the occupation of the whole North American continent. As such it will be recognized by the world and accepted by the American people. But the treaty involves something more. We dismiss one other monarch from the continent. One by one they have retired, — first France, then Spain, then France again, and now Russia, — all giving way to the absorbing Unity declared in the national motto, *E pluribus unum.*

4. *Anticipation of Great Britain.* — Another motive to this acquisition may be found in the desire to anticipate imagined schemes or necessities of Great Britain. With regard to all these I confess doubt; and yet, if we credit report, it would seem as if there were already a British movement in this direction. Sometimes it is said that Great Britain desires to buy, if Russia will sell. Sir George Simpson, Governor-in-chief of the Hudson's Bay Company, declared, that, without the strip on the coast underlet to them by the Russian Company, the interior would be "comparatively useless to England."[1] Here, then, is provoca-

[1] Journey round the World, Vol. I. p. 209.

tion to buy. Sometimes report assumes a graver character. A German scientific journal, in an elaborate paper entitled "The Russian Colonies on the Northwest Coast of America," after referring to the constant "pressure" upon Russia, proceeds to say that there are already crowds of adventurers from British Columbia and California now at the gold mines on the Stikine, which flows from British territory through the Russian possessions, who openly declare their purpose of driving the Russians out of this region. I refer to the "Archiv für Wissenschaftliche Kunde von Russland,"[1] edited at Berlin as late as 1863, by A. Erman, and undoubtedly the leading authority on Russian questions. At the same time it presents a curious passage bearing directly on British policy, purporting to be taken from the "British Colonist," a newspaper of Victoria, on Vancouver's Island. As this was regarded of sufficient importance to be translated into German for the instruction of scientific readers, I am justified in laying it before you, restored from German to English.

"The information which we daily publish from the Stikine River very naturally excites public attention in a high degree. Whether the territory through which the river flows be regarded from a political, commercial, or industrial point of view, it promises within a short time to awaken a still more general interest. Not only will the intervention of the royal jurisdiction be demanded in order to give it a complete form of government, but, if the land proves as rich as there is now reason to believe it to be, it is not improbable that it will result in negotiations between England and Russia for the cession of the sea-coast to the British Crown. It is not to be supposed that a stream like the Stikine, which

[1] Band XXII. pp. 47–70.

is navigable for steamers from one hundred and seventy to one hundred and ninety miles, which waters a territory so rich in gold that it will attract myriads of men, — that the commerce upon such a road can always pass through a Russian gateway of thirty miles from the sea-coast to the interior. The English population which occupies the interior cannot be so easily managed by the Russians as the Stikine Indians of the coast manage the Indians of the interior. Our business must be in British hands. Our resources, our energies, our spirit of enterprise cannot be employed in building up a Russian emporium at the mouth of the Stikine. We must have for our merchandise a depot over which the British flag waves. By the treaty of 1825 the navigation of the river is secured to us. The navigation of the Mississippi was also open to the United States before the Louisiana purchase; but the growing strength of the North made the acquisition of that territory, either by purchase or by force of arms, an inevitable necessity. We look upon the sea-coast of the Stikine region in the same light. The strip of land which stretches along from Portland Canal to Mount St. Elias, with a breadth of thirty miles, and which, according to the treaty of 1825, forms a part of Russian America, *must eventually become the property of Great Britain*, either as the direct result of the gold discoveries, or from causes as yet not fully developed, but whose operation is certain. For can we reasonably suppose that the strip, three hundred miles long and thirty miles wide, which is used by the Russians solely for the collection of furs and walrus-teeth, will forever control the entrance to our immense northern territory? It is a principle of England to acquire territory only for purposes of defence. Canada, Nova Scotia, Malta, the Cape of Good Hope, and the greater part of our Indian possessions were all acquired for purposes of defence. In Africa, India, and China the same rule is followed by the Government today. With a power like Russia it would perhaps be more

difficult to arrange matters; but if we need the sea-coast in order to protect and maintain our commerce with an interior rich in precious metals, then we must have it. The United States needed Florida and Louisiana, and took them. We need the coast of New Norfolk and New Cornwall.

"It is just as much the destiny of our Anglo-Norman race to possess the whole of Russian America, however desolate and inhospitable it may be, as it has been that of the Russian Northmen to possess themselves of Northern Europe and Asia. As the Wandering Jew and his phantom, so will the Anglo-Norman and the Russian yet gaze at each other from the opposite sides of Behring Strait. Between the two races the northern halves of the Old and New World must be divided. America must be ours.

"The recent discovery of the precious metals in our hyperborean Eldorado will most probably hasten the annexation of the territory in question. It can hardly be doubted that the gold region of the Stikine extends away to the western affluents of the Mackenzie. In this case the increase of the business and of the population will exceed our most sanguine expectations. Who shall reap the profit of this? The mouths of rivers, both before and since the time of railroads, have controlled the business of the interior. To our national pride the thought, however, is intolerable, that the Russian griffin should possess a point which is indebted to the British lion for its importance. The mouth of the Stikine must be ours, — or at least a harbor of export must be established on British soil from which our steamers can pass the Russian belt. Fort Simpson, Dundas Island, Portland Canal, or some other convenient point, might be selected for this purpose. The necessity of speedy measures, in order to secure the control of the Stikine, is manifest. If we let slip the opportunity, we shall live to see a Russian city arise at the gates of a British colony."

Thus, if we credit this colonial ejaculation, caught up

and preserved by German science, the Russian possessions were destined to round and complete the domain of Great Britain on this continent. The Russian "griffin" was to give way to the British "lion." The Anglo-Norman was to be master as far as Behring Strait, across which he might survey his Russian neighbor. How this was to be accomplished is not precisely explained. The promises of gold on the Stikine failed, and it is not improbable that this colonial plan was as unsubstantial. Colonists become excited easily. This is not the first time that Russian America has been menaced in a similar way. During the Crimean War there seemed to be in Canada a spirit not unlike that of the Vancouver journalist, unless we are misled by the able pamphlet[1] of Mr. A. K. Roche, of Quebec, where, after describing Russian America as "richer in resources and capabilities than it has hitherto been allowed to be, either by the English, who shamefully gave it up, or by the Russians, who cunningly obtained it," the author urges an expedition for its conquest and annexion. His proposition fell on the happy termination of the war, but it exists as a warning, with notice also of a former English title, "shamefully" abandoned.

This region is distant enough from Great Britain; but there is an incident of past history which shows that distance from the metropolitan government has not excluded the idea of war. Great Britain could hardly be more jealous of Russia on these coasts than was Spain in a former day, if we listen to the report of Humboldt. I refer again to his authoritative work, "Essai Politique sur la Nouvelle-Espagne,"[2] where it is recorded, that, as early as 1788, even while peace was still unbroken, the

[1] Russian America and the Present War. [2] Tom. I. p. 345.

Spaniards could not bear the idea of Russians in this region, and when, in 1799, the Emperor Paul declared war on Spain, the hardy project was formed of an expedition from the Mexican ports of Monterey and San Blas against the Russian colonies; on which the philosophic traveller remarks, in words which are recalled by the Vancouver manifesto, that, "if this project had been executed, the world would have witnessed two nations in conflict, which, occupying the opposite extremities of Europe, found themselves neighbors in the other hemisphere on the eastern and western boundaries of their vast empires." Thus, notwithstanding an intervening circuit of half the globe, two great powers were about to encounter each other on these coasts. But I hesitate to believe that the British of our day, in any considerable numbers, have adopted the early Spanish disquietude at the presence of Russia on this continent.

5. *Amity of Russia.* — There is still another consideration concerning this treaty not to be disregarded. It attests and assures the amity of Russia. Even if you doubt the value of these possessions, the treaty is a sign of friendship. It is a new expression of that *entente cordiale* between the two powers which is a phenomenon of history. Though unlike in institutions, they are not unlike in recent experience. Sharers of common glory in a great act of Emancipation, they also share together the opposition or antipathy of other nations. Perhaps this experience has not been without effect in bringing them together. At all events, no coldness or unkindness has interfered at any time with their good relations.

The archives of the State Department show an un-

interrupted cordiality between the two Governments, dating far back in our history. More than once Russia has proffered her good offices between the United States and Great Britain; once also she was a recognized arbitrator. She offered her mediation to terminate the War of 1812; and under her arbitration questions with Great Britain arising under the Treaty of Ghent were amicably settled in 1822. But it was during our recent troubles that we felt more than ever her friendly sentiments, although it is not improbable that the accident of position and of distance had influence in preserving these undisturbed. The Rebellion, which tempted so many other powers into its embrace, could not draw Russia from her habitual good-will. Her solicitude for the Union was early declared. She made no unjustifiable concession of *ocean belligerence*, with all its immunities and powers, to Rebels in arms against the Union. She furnished no hospitality to Rebel cruisers, nor was any Rebel agent ever received, entertained, or encouraged at St. Petersburg, — while, on the other hand, there was an understanding that the United States should be at liberty to carry prizes into Russian ports. So natural and easy were the relations between the two Governments, that such complaints as incidentally arose on either side were amicably adjusted by verbal explanations without written controversy.

Positive acts occurred to strengthen these relations. As early as 1861, the two Governments agreed to act together for the establishment of a connection between San Francisco and St. Petersburg by an inter-oceanic telegraph across Behring Strait; and this agreement was subsequently sanctioned by Congress.[1] Meanwhile

[1] Act of July 1, 1864: Statutes at Large, Vol. XIII. pp. 340, 341.

occurred the visit of the Russian fleet in the winter of 1863, intended by the Emperor, and accepted by the United States, as a friendly demonstration. This was followed by a communication of the Secretary of State, dated 26th December, 1864, inviting the Archduke Constantine to visit the United States, where it was suggested that such a visit "would be beneficial to us and by no means unprofitable to Russia," but "forbearing to specify reasons," and assuring him, that, coming as a national guest, he "would receive a cordial and most demonstrative welcome."[1] Affairs in Russia prevented the acceptance of this invitation. Afterwards, in the spring of 1866, Congress by solemn resolution declared the sympathies of the United States with the Emperor on his escape from the madness of an assassin,[2] and Mr. Fox, at the time Assistant Secretary of the Navy, was appointed to take the resolution of Congress to the Emperor, and, in discharge of this trust, to declare the friendly sentiments of our country for Russia. He was conveyed to Cronstadt in the monitor Miantonomoh, the most formidable ship of our navy, and thus this agent of war became a messenger of peace. The monitor and the minister were received in Russia with unbounded hospitality.

In relations such as I have described, the cession of territory seems a natural transaction, entirely in harmony with the past. It remains to hope that it may be a new link in an amity which, without effort, has overcome differences of institutions and intervening space on the globe.

[1] Diplomatic Correspondence, 1865-66: Executive Documents, 39th Cong. 1st Sess., H. of R., No. 1, p. 366.

[2] Joint Resolution, May 16, 1866: Statutes at Large, Vol. XIV. p. 355.

SHALL THE TREATY BE RATIFIED ?

SUCH are obvious considerations of a general character. The interests of the Pacific States, the extension of the national domain, the extension of republican institutions, the foreclosure of adverse British possession, and the amity of Russia,—these are the points we have passed in review. Most of these, if not all, are calculated to impress the public mind; but I can readily understand a difference of opinion with regard to the urgency of negotiation at this hour. Some may think that the purchase-money and the annual outlay that must follow might have been postponed another decade, while Russia continued in possession as trustee for our benefit; and yet some of the reasons for the treaty do not seem to allow delay.

At all events, now that the treaty has been signed by plenipotentiaries on each side duly empowered, it is difficult to see how we can refuse to complete the purchase without putting to hazard the friendly relations which happily subsist between the United States and Russia. The overtures originally proceeded from us. After a delay of years, and other intervening propositions, the bargain was at length concluded. It is with nations as with individuals. A bargain once made must be kept. Even if still open to consideration, it must not be lightly abandoned. I am satisfied that the dishonoring of this treaty, after what has passed, would be a serious responsibility for our country. As an international question, it would be tried by the public opinion of the world; and there are many who, not appreciating the requirement of our Constitution by which a treaty must have "the advice and consent of

the Senate," would regard its rejection as bad faith. There would be jeers at us, and jeers at Russia also: at us for levity in making overtures, and at Russia for levity in yielding to them. Had the Senate been consulted in advance, before the treaty was signed or either power publicly committed, as is often done on important occasions, it would be under less constraint. On such a consultation there would have been opportunity for all possible objections, and a large latitude for reasonable discretion. Let me add, that, while forbearing objection now, I hope that this treaty may not be drawn into a precedent, at least in the independent manner of its negotiation. I would save to the Senate an important power justly belonging to it.

A CAVEAT.

THERE is one other point on which I file my *caveat*. This treaty must not be a precedent for a system of indiscriminate and costly annexion. Sincerely believing that republican institutions under the primacy of the United States must embrace this whole continent, I cannot adopt the sentiment of Jefferson, who, while confessing satisfaction in settlements on the Pacific coast, saw there in the future nothing but "free and independent Americans," bound to the United States only by "ties of blood and interest," without political unity,[1] — or of Webster, who in the same spirit said of settlers there, "They will raise a standard for themselves, and they ought to do it."[2] Nor am I willing

[1] Letters to John Jacob Astor, May 24, 1812, and November 9, 1813: Writings, Vol. VI. pp. 55, 248. See also Letter to Mr. Breckenridge, August 12, 1803: Ibid., Vol. IV. pp. 498-501.

[2] Speech at Faneuil Hall, November 7, 1845: Boston Daily Advertiser, November 10th.

to restrict myself to the principle so tersely expressed by Andrew Jackson, in his letter to President Monroe: "Concentrate our population, confine our frontier to proper limits, until our country, to those limits, is filled with a dense population."[1] But I cannot disguise my anxiety that every stage in our predestined future shall be by natural processes, without war, and I would add even without purchase. There is no territorial aggrandizement worth the price of blood. Only under peculiar circumstances can it become the subject of pecuniary contract. Our triumph should be by growth and organic expansion in obedience to "pre-established harmony," recognizing always the will of those who are to become our fellow-citizens. All this must be easy, if we are only true to ourselves. Our motto may be that of Goethe: "Without haste, without rest." Let the Republic be assured in tranquil liberty, with all equal before the law, and it will conquer by its sublime example. More happy than Austria, who acquired possessions by marriage, we shall acquire them by the attraction of republican institutions.

> "Bella gerant alii; tu, felix Austria, nube;
> Nam quæ Mars aliis, dat tibi regna Venus."[2]

The famous epigram will be just as applicable to us, inasmuch as our acquisitions will be under the sanction of wedlock to the Republic. There may be wedlock of a people as well as of a prince. Meanwhile our first care should be to improve and elevate the Republic, whose sway will be so comprehensive. Plant it with schools; cover it with churches; fill it with

[1] Letter on the Florida Treaty, June 20, 1820: Parton's Life of Jackson, Vol. II. p. 585.

[2] Attributed to Matthias Corvinus, King of Hungary. See Coxe, History of the House of Austria, (London, 1820,) Ch. XXV., Vol. II. p. 89.

of the globe began in 1826, and whose work bears date 1835–36, says of the Aleutian Archipelago, that, although frequented for more than a century by Russian vessels and those of other nations, it is to-day almost as little known as in the time of Cook. Another writer of authority, the compiler of the official work on the People of Russia, published as late as 1862, speaks of the interior as "a mystery." And yet another says that our ignorance with regard to this region would make it a proper scene for a chapter of Gulliver's Travels.

Where so little was known, invention found scope. Imagination was made to supply the place of knowledge, and poetry pictured the savage desolation in much admired verse. Campbell, in the "Pleasures of Hope," while exploring "Earth's loneliest bounds and Ocean's wildest shore," reaches this region, which he portrays: —

> "Lo! to the wintry winds the pilot yields
> His bark careering o'er unfathomed fields.
>
> . . . . .
>
> Now far he sweeps, where scarce a summer smiles,
> On Behring's rocks or Greenland's naked isles;
> Cold on his midnight watch the breezes blow
> From wastes that slumber in eternal snow,
> And waft across the waves' tumultuous roar
> *The wolf's long howl from Oonalaska's shore.*"

All of which, so far at least as it describes this region, is inconsistent with truth. The poet ignores the isothermal line, which plays such a conspicuous part on the Pacific coast. Here the evidence is positive. Portlock, the navigator, who was there toward the close of the last century, after describing Cook's Inlet, which is several degrees north of Oonalaska, records his belief "that the climate here is not so severe as has been generally supposed; for, in the course of our traffic with the natives, they frequently brought berries of several

sorts, and in particular blackberries, equally fine with those met with in England."[1] Kotzebue, who was here later, says that he found "the weather pretty warm at Oonalaska."[2] South of the Aleutians the climate is warmer still. The poet ignores natural history also, as regards the distribution of animals. Curiously enough, it does not appear that "wolves" exist on any of the Fox Islands. Coxe, in his work on Russian Discoveries,[3] records that "reindeer, bears, *wolves*, ice-foxes, are not to be found on these islands." But he was never there. Meares, who was in those seas, says, "*The only animals* on these islands are foxes, some of which are black."[4] Cook, who visited Oonalaska twice, and once made a prolonged stay, expressly says, "Foxes and weasels were *the only quadrupeds* we saw; but they told us that they had hares also, and marmottas."[5] But quadrupeds like these hardly sustain the exciting picture. The same experienced navigator furnishes a glimpse of the inhabitants, as they appeared to him, which would make us tremble, if the "wolves" of the poet were numerous. He says, "To all appearance, they are the most peaceable, inoffensive people I ever met with"; and Cook had been at Otaheite. "No such thing as an offensive or even defensive weapon was seen amongst the natives of Oonalaska."[6] Then, at least, the inhabitants did not share the ferocity of the "wolves" and of the climate. Another navigator fascinates us by a description of the boats, which struck him "with amazement beyond expression"; and he explains: "If perfect symmetry, smoothness, and proportion constitute beauty, they are beautiful; to me they

[1] Voyage, p. 118.
[2] Voyage, Vol. I. p. 275.
[3] Part I. ch. 11, p. 148.
[4] Voyages, Vol. I. p. xvi.
[5] Voyage, Vol. II. p. 518.
[6] Ibid., pp. 509, 515.

appeared so beyond anything that I ever beheld. I have seen some of them as transparent as oiled paper."[1] But these are the very boats that buffet "the waves' tumultuous roar," while "the breezes" waft "the wolf's long howl." The same reporter introduces another feature. According to him, the sojourning Russians "seem to have no desire to leave this place, where they enjoy that indolence so pleasing to their minds."[2] The lotus-eaters of Homer were no better off. The picture is completed by another touch from Lütke. Admitting the want of trees, the Admiral suggests that their place is supplied not only by luxuriant grass, but by wood thrown upon the coast, including trunks of camphor from Chinese and Japanese waters, and "a tree which gives forth the odor of the rose."[3] Such is a small portion of the testimony, most of it in print before the poet sang.[4]

Nothing has been written about this region, whether the coast or the islands, more authentic or interesting than the narrative of Captain Cook on his third and last voyage. He saw with intelligence, and his editor has imparted to the description a clearness almost elegant. The record of Captain Portlock's voyage from London to the Northwest Coast, in 1785 – 8, seems honest, and is instructive. Captain Meares, whose voyage was contemporaneous, saw and exposed the importance of trade between the Northwest Coast and China. Vancouver, who came a little later, has described some

[1] Billings's Expedition, p. 157. [2] Ibid., p. 161.

[3] Voyage, Tom. I. p. 232.

[4] Captain D'Wolf, whose little book was not printed till 1861, says there was "little or no game but foxes," and he adds that in fact he "was the only Wolf ever known upon the island." — *Voyage to the North Pacific*, pp. 69, 70.

parts of the coast. La Pérouse, the unfortunate French navigator, has afforded another picture of it, painted with French colors. Before him was Maurelle, an officer in the Spanish expedition of 1779, a portion of whose journal is preserved in the Introduction to the volumes of La Pérouse. After him was Marchand, who, during a circumnavigation of the globe, stopped here in 1791. The Voyage of the latter, published in three quartos, is accompanied by an Historical Introduction, which is a mine of information on all the voyages to this coast. Then came the successive Russian voyages already mentioned, and in 1804 – 6 the "Voyage to the North Pacific" of Captain John D'Wolf, one of our own enterprising countrymen. Later came the "Voyage round the World" by Captain Sir Edward Belcher, with a familiar sketch of life at Sitka, where he stopped in 1837, and an engraving of the arsenal and light-house there. Then followed the "Overland Journey round the World," in 1841 – 2, by Sir George Simpson, Governor-in-chief of the Hudson's Bay Company, with an account of a visit to Sitka and the hospitality of its governor. To these I add the "Nautical Magazine" for 1849, Volume XVIII., which contains some excellent pages about Sitka; the "Journal of the Royal Geographical Society of London" for 1841, Volume XI., and for 1852, Volume XXII., where this region is treated under the heads of "Observations on the Indigenous Tribes of the Northwest Coast of America," and "Notes on the Distribution of Animals available as Food in the Arctic Regions"; Burney's "Northeastern Voyages"; the magnificent work entitled "Description Ethnographique des Peuples de la Russie," which appeared at St. Petersburg in 1862, on the tenth cen-

tennial anniversary of the foundation of the Russian Empire; the very recent work of Murray on the "Geographical Distribution of Mammals"; the work of Sir John Richardson, "Fauna Boreali-Americana"; Latham on "The Nationalities of Europe," in the chapters on the population of Russian America; the "Encyclopædia Britannica," and the admirable "Physical Atlas" of Alexander Keith Johnston. I mention also an elaborate article by Holmberg, in the Transactions of the Finland Society of Sciences at Helsingfors, replete with information on the Ethnography of the Northwest Coast.[1]

Doubtless the most precise and valuable information has been contributed by Germany. The Germans are the best of geographers; besides, many Russian contributions are in German. Müller, who recorded the discoveries of Behring, was a German. Nothing more important on this subject has ever appeared than the German work of the Russian Admiral Von Wrangell, "Statistische und Ethnographische Nachrichten über die Russischen Besitzungen an der Nordwestküste von Amerika," first published by Baer in his "Beiträge zur Kenntniss des Russischen Reiches," in 1839. There is also the "Verhandlungen der Russisch-Kaiserlichen Mineralogischen Gesellschaft zu St. Petersburg," 1848 and 1849, which contains an elaborate article, in itself a volume, on the Orography and Geology of the Northwest Coast and the adjoining islands, at the end of which is a bibliographical list of works and materials illustrating the discovery and history of the western

[1] Ethnographische Skizzen über die Völker des Russischen Amerika, von H. J. Holmberg: Acta Societatis Scientiarum Fennicæ, 1856, Tom. IV. Fasc. 2, pp. 281, seqq.

half of North America and the neighboring seas. I also refer generally to the "Archiv für Wissenschaftliche Kunde von Russland," edited by Erman, but especially the volume for 1863, containing the abstract of Golowin's report on the Russian Colonies in North America, as it appeared originally in the "Morskoi Sbornik." Besides these, there are Wappäus, "Handbuch der Geographie und Statistik von Nord-Amerika," published at Leipsic in 1855; Petermann, in his "Mittheilungen über wichtige neue Erforschungen auf dem Gesammtgebiete der Geographie," for 1856, p. 486, for 1859, p. 41, and for 1863, pp. 70, 237, 277; Kittlitz, "Denkwürdigkeiten einer Reise nach dem Russischen Amerika, nach Mikronesien und durch Kamtschatka," published at Gotha in 1858; also, by the same author, "The Vegetation of the Coasts and Islands of the Pacific," translated from the German, and published at London in 1861.

Much recent information has been derived from the great companies possessing the monopoly of trade. Latterly there has been an unexpected purveyor in the Russian American Telegraph Company, under the direction of Captain Charles S. Bulkley; and here our own countrymen help us. To this expedition we are indebted for authentic evidence with regard to the character of the region, and the great rivers which traverse it. The Smithsonian Institution and the Chicago Academy of Sciences coöperated with the Telegraph Company in the investigation of the natural history. Major Kennicott, a young naturalist, originally in the service of the Institution, and Director of the Museum of the Chicago Academy, was the enterprising chief of the Yukon division of the expedition. While in the midst of his valuable labors, he died suddenly, in the month of

May last, at Nulato, on the banks of the great river, the Kwichpak, which may be called the Mississippi of the North, far away in the interior, and on the confines of the Arctic Circle, where the sun was visible all night. Even after death he was still an explorer. From this remote outpost, his remains, after descending the unknown river in an Esquimaux boat of seal-skins, steered by the faithful companion of his labors, were transported by way of Panama to his home at Chicago, where he now lies buried. Such an incident cannot be forgotten, and his name will always remind us of courageous enterprise, before which distance and difficulty disappeared. He was not a beginner, when he entered into the service of the Telegraph Company. Already he had visited the Yukon country by the way of the Mackenzie River, and contributed to the Smithsonian Institution important information with regard to its geography and natural history, some of which is found in their Reports. Nature in novel forms was open to him. The birds here maintained their kingdom. All about him was the mysterious breeding-place of the canvas-back duck, whose eggs, never before seen by naturalist, covered acres.

If we look to maps for information, here again we are disappointed. Latterly the coast is outlined and described with reasonable completeness; so also are the islands. This is the contribution of navigators and of recent Russian charts. But the interior is little more than a blank, calling to mind "the unhabitable downs," where, according to Swift, the old geographers "place elephants for want of towns." I have already referred to what purports to be a "General Map of the Russian Empire," published by the Academy of Sciences at St.

Petersburg in 1776, and republished at London in 1780, where Russian America does not appear. I might mention also that Captain Cook complained in his day of the Russian maps as "singularly erroneous." On the return of the expedition, English maps recorded his explorations and the names he assigned to different parts of the coast. These were reproduced in St. Petersburg, and the Russian copy was then reproduced in London, so that geographical knowledge was very little advanced. Some of the best maps of this region are by Germans, who excel in maps. I mention an excellent one of the Aleutian Islands and the neighboring coasts, especially to illustrate their orography and geology, which will be found at the end of the volume of Transactions of the Imperial Mineralogical Society at St. Petersburg to which I have already referred.

Late maps attest the tardiness of information. Here, for instance, is an excellent map of North America, purporting to be published by the Geographical Institute of Weimar as late as 1859, on which we have the Yukon pictured, very much like the Niger in Africa, as a large river meandering in the interior with no outlet to the sea. Here also is a Russian map of this very region, as late as 1861, where the course of the Yukon is left in doubt. On other maps, as in the Physical Atlas of Keith Johnston, it is presented, under another name, entering into the Frozen Ocean. But the secret is penetrated at last. Recent discovery, by the enterprise of our citizens in the service of the Telegraph Company, fixes that this river is an affluent of the Kwichpak, as the Missouri is an affluent of the Mississippi, and enters into Behring Sea by many mouths, between the parallels of 62° and 63°. After the death

of Major Kennicott, a division of his party, with nothing but a skin boat, ascended the river to Fort Yukon, where it bifurcates, and descended it again to Nulato, thus establishing the entire course from its sources in the Rocky Mountains for a distance exceeding a thousand miles. I have before me now an outline map just prepared by our Coast Survey, where this correction is made. But this is only a harbinger of the maturer labors of our accomplished bureau, when the coasts of this region are under the jurisdiction of the United States.

In closing this abstract of authorities, being the chief sources of original information, I cannot forbear expressing my satisfaction, that, with the exception of a single work, all these are found in the Congressional Library, now so happily enriched by the rare collection of the Smithsonian Institution. Sometimes individuals are like libraries; and this seems to be illustrated in the case of Professor Baird, of the Smithsonian Institution, who is thoroughly informed on all questions connected with the natural history of Russian America, and also of George Gibbs, Esq., now of Washington, who is the depositary of valuable knowledge, the result of his own personal studies and observations, with regard to the native races.

CHARACTER AND VALUE OF RUSSIAN AMERICA.

I PASS now to a consideration of the character and value of these possessions, as seen under these different heads: first, Government; secondly, Population; thirdly, Climate; fourthly, Vegetable Products; fifthly, Mineral Products; sixthly, Furs; and, seventhly, Fish-

eries. Of these I shall speak briefly in their order. There are certain words of a general character, which I introduce by way of preface. I quote from Blodget on the "Climatology of the United States and of the Temperate Latitudes of the North American Continent."

"It is most surprising that so little is known of the great islands and the long line of coast from Puget's Sound to Sitka, ample as its resources must be even for recruiting the transient commerce of the Pacific, independent of its immense intrinsic value. To the region bordering the Northern Pacific the finest maritime positions belong throughout its entire extent; and no part of the West of Europe exceeds it in the advantages of equable climate, fertile soil, and commercial accessibility of the coast. The western slope of the Rocky Mountain system may be included as a part of this maritime region, embracing an immense area, from the forty-fifth to the sixtieth parallel and five degrees of longitude in width. The cultivable surface of this district cannot be much less than three hundred thousand square miles."[1]

From this sketch, which is in the nature of a picture, I pass to the different heads.

1. *Government.*—The Russian settlements were for a long time without any regular government. They were little more than temporary lodgements for purposes of trade, where the will of the stronger prevailed. The natives, who had enslaved each other, became in turn the slaves of these mercenary adventurers. Captain Cook records "the great subjection"[2] of the natives at Oonalaska, when he was there in 1778; and a Russian navigator, fourteen years later, describes the islands

[1] Blodget, Climatology, p. 532.
[2] Voyage to the Pacific (London, 1784), Vol. II. p. 509.

generally as "under the sway of roving hunters more savage than any tribes he had hitherto met with."[1] At Oonalaska the Russians for a long time employed all the men in the chase, "taking the fruits of their labor to themselves."[2]

The first trace of government which I find was in 1790, at the important island of Kadiak, or the Great Island, as it was called, where a Russian company was established under direction of a Greek by the name of Delareff, who, according to the partial report of a Russian navigator, "governed with the strictest justice, as well natives as Russians, and established a school, where the young natives were taught the Russian language, reading and writing."[3] Here were about fifty Russians, including officers of the company, and another person described as "there on the part of Government to collect tribute."[4] The establishment consisted of five houses after the Russian fashion, — barracks laid out on either side, somewhat like the boxes at a coffee-house, with different offices, represented as follows: "An office of appeal, to settle disputes, levy fines, and punish offenders by a regular trial; here Delareff presides, and I believe that few courts of justice pass a sentence with more impartiality; an office of receival and delivery, both for the company and for tribute; the commissaries' department, for the distribution of the regulated portions of provision; counting-house, &c.: all in this building, at one end of which is Delareff's habitation."[5] If this picture is not overdrawn, — and it surely is, — affairs here did not improve with time. But D'Wolf,

[1] Billings's Expedition, p. 274.
[2] Ibid., Appendix, p. 55.
[3] Ibid., p. 171.
[4] Ibid., p. 172.
[5] Ibid., p. 173.

who was there in 1805 – 6, reports "about forty houses of various descriptions, including a church, school-house, store-house, and barracks"; and he adds: "The school-house was quite a respectable establishment, well filled with pupils."[1]

There were various small companies, of which that at Kadiak was the most considerable, all finally fused into one large trading company, known as the Russian American Company, organized in 1799, under a charter from the Emperor Paul, with the power of administration throughout the whole region, including coasts and islands. In this respect it was not unlike the East India Company, which has played such a part in English history; but it may be more properly compared to the Hudson's Bay Company, of which it was a Russian counterpart. The charter was for a term of years, but it has been from time to time extended, and, as I understand, is now about to expire. The powers of the Company are sententiously described by the "Almanach de Gotha" for 1867, where, under the head of Russia, it says that "to the present time Russian America has been the property of a company."

I know no limitation upon the Company, except that latterly it has been bound to appoint its chief functionary, called "Administrator General," from the higher officers of the imperial navy, when he becomes invested with what are declared the prerogatives of a governor in Siberia. This requirement has doubtless secured the superior order of magistrates since enjoyed. Among these have been Baron Wrangell, an admiral, there at the time of the treaty with Great Britain in 1825; Captain Kuprianoff, who had commanded the Azof, a ship

[1] Voyage to the North Pacific, pp. 63, 64.

of the line, in the Black Sea, and spoke English well; Captain Etolin; Admiral Furuhelm, who, after being there five years, was made governor of the province of the Amoor; Admiral Woiwodsky; and Prince Maksutoff, an admiral also, who is the present Administrator General. The term of service is ordinarily five years.

The seat of government is the town of New Archangel, better known by its aboriginal name of Sitka, with a harbor as smooth and safe as a pond. Its present population cannot be far from one thousand, although even this is changeable. In spring, when sailors leave for the sea and trappers for the chase, it has been reduced to as few as one hundred and eighty. It was not without a question that Sitka at last prevailed as the metropolis. Lütke sets forth reasons elaborately urged in favor of St. Paul, on the island of Kadiak.[1]

The first settlement there was in 1800, by Baranoff, the superintendent of the Company, whose life was passed in this country, and whose name has been given to the island. But the settlement made slow progress. Lisiansky, who was there in 1804, records, that, "from his entrance into Sitka Sound, there was not to be seen on the shore the least vestige of habitation."[2] The natives had set themselves against a settlement. Meanwhile the seat of government was at Kadiak, of which we have an early and friendly glimpse. I quote what Lisiansky says, as exhibiting in a favorable light the beginning of the government, now transferred to the United States.

"The island of Kadiak, with the rest of the Russian settlements along the northwest coast of America, are super-

[1] Voyage, Tom. I. p. 153. [2] Voyage, p. 145.

intended by a kind of governor-general or commander-in-chief, who has agents under him, appointed, like himself, by the Company at Petersburg. The smaller settlements have each a Russian overseer. These overseers are chosen by the governor, and are selected for the office in consequence of their long services and orderly conduct. They have the power of punishing, to a certain extent, those whom they superintend; but are themselves amenable to the governor, if they abuse their power by acts of injustice. The seat of government is the Harbor of St. Paul, which has a barrack, different store-houses, several respectable wooden habitations, and a church, the only one to be found on the coast."

From this time the Company seems to have established itself on the coast. Lisiansky speaks of a single hunting party of nine hundred men, gathered from different places, as Alaska, Kadiak, Cook's Inlet, Prince William Sound, and "commanded by thirty-six *toyons*, who are subordinate to the Russians in the service of the American Company, and receive from them their orders."[2] From another source I learn that the inhabitants of Kadiak and of the Aleutian Islands were regarded as "immediate subjects of the Company,"—the males from eighteen to fifty being bound to serve it for the term of three years each. They were employed in the chase. The population of Alaska and of the two great bays, Cook's Inlet and Prince William Sound, were also subject to the Company; but they were held to a yearly tax on furs, without regular service, and they could trade only with the Company; otherwise they were independent. This seems to have been before a division of the whole into dis-

[1] Voyage, pp. 214, 215.

[2] Ibid., p. 153.

tricts, all under the Company, which, though primarily for the business of the Company, may be regarded as so many distinct jurisdictions, each with local powers of government.

Among these were two districts which I mention only to put aside, as not included in the present cession: (1.) the Kurile Islands, being the group nestling near the coast of Japan, on the Asiatic side of the dividing line between the two continents; (2.) the Ross settlement in California, now abandoned.

There remain five other districts: (1.) the District of Atcha, with the bureau at this island, embracing the two western groups of the Aleutians known as the Andreanoffsky Islands and the Rat Islands, and also the group about Behring's Island, which is not embraced in the present cession; — (2.) the District of Oonalaska, with the bureau at this island, embracing the Fox Islands, the peninsula of Alaska to the meridian of the Shumagin Islands, including these, and also the Pribyloff Islands to the northwest of the peninsula; — (3.) the District of Kadiak, embracing the peninsula of Alaska east of the meridian of the Shumagin Islands, and the coast eastward to Mount St. Elias, with adjacent islands, including Kadiak, Cook's Inlet, and Prince William Sound; then northward along the coast of Bristol Bay, and the country watered by the Nushagak and Kuskokwim rivers; all of which is governed from Kadiak, with redoubts or palisaded stations at Nushagak, Cook's Inlet, and Prince William Sound; — (4.) the Northern District, embracing the country of the Kwichpak and of Norton Sound, under direction of the commander of the redoubt at St. Michael's; leaving the country northward, with

the islands St. Lawrence and St. Matthew, not included in this district, but visited directly from Sitka; — (5.) the District of Sitka, embracing the coast from Mount St. Elias, where the Kadiak district ends, southward to the latitude of 54° 40′, with adjacent islands. But this district has been curtailed by a lease of the Russian American Company in 1839 for the space of ten years, and subsequently renewed, where this Company, in consideration of the annual payment of two thousand otter skins of Columbia River, underlets to the Hudson Bay Company all its franchise for the strip of continent between Cape Spencer at the north and the latitude of 54° 40′, excluding adjacent islands.

The central government of all these districts is at Sitka, from which emanate all orders and instructions. Here also is the chief factory, the fountain of supplies and the store-house of proceeds.

The operations of the Government are seen in receipts and expenditures, including salaries and allowances. In the absence of a complete series of such statistics to the present time, I mass together what I have been able to glean in different fields, relating to particular years, knowing well its unsatisfactory character. But each item has instruction for us.

The capital of the Company, in buildings, wares, vessels, &c., was reported in 1833 at 3,658,577 rubles. In 1838 it possessed twelve vessels, with an aggregate capacity of 1,556 tons, most of which were built at Sitka. According to Wappäus, who follows Wrangell, the pay of the officers and workmen in 1832 amounted to 442,877 rubles. At that time the persons in its service numbered 1,025, of whom 556 were

Russians, 152 Creoles, and 317 Aleutians. In 1851 there were one staff officer, three officers of the imperial navy, one officer of engineers, four civil officers, thirty religious officers, and six hundred and eighty-six servants. The expenses from 1826 to 1833, a period of seven years, were 6,608,077 rubles. These become interesting, when it is considered, that, besides what was paid on account of furs and the support of persons in the service of the Company, were other items incident to government, such as ship-building, navigation, fortifications, hospitals, schools, and churches. From a later authority it appears that the receipts reported at St. Petersburg for the year 1855 were 832,749 rubles, against expenses, 683,892 rubles, incurred for "administration in Russia and the colonies," insurance, transportation, and duties. The relative proportion of these different expenses does not appear.

These are explained by other statistics, which I am able to give from the Report of Golowin, who furnishes the receipts and expenditures from 1850 to 1859, inclusive. The silver ruble, which is the money employed in the table, is taken at our mint for seventy-five cents.

Receipts from 1850 *to* 1859, *inclusive.*

	Silver Rubles.
Tea traffic	4,145,869.76
Sale of furs	1,709,149.00
Commercial licenses	2,403,296.61
Other traffics	170,235.76
Total	8,528,551.13

Expenditures from 1850 *to* 1859, *inclusive.*

	Silver Rubles.
Sustenance of the colony	2,288,207.20
Colony's churches	71,723.18
Benevolent institutions	143,366.23
Principal administrative officers	1,536,436.49
Tea duty	1,764,559.85
Transportation and packing of tea	586,901.72
Purchase and transportation of merchandise	213,696.29
Insurance of tea and merchandise	217,026.55
Loss during war and by shipwreck	132,820.20
Reconstruction of Company's house in St. Petersburg	76,976.00
Capital for the use of the poor	6,773 02
Revenue fund capital	135,460.40
Dividends	1,354,604.00
Total	8,528,551.13

Analyzing this table, we arrive at a clearer insight into the affairs of the Company. If its receipts have been considerable, they have been subject to serious deductions. From the expenditures we also learn something of the obligations we are about to assume.

Another table shows that during this same period 122,006 rubles were received for ice, mostly sent to California, 26,399 rubles for timber, and 6,250 for coal. I think it not improbable that these items are included in the list of "receipts" under the term "other traffics."

In Russia the churches belong to the Government, and this rule prevails in these districts, where are four Greek churches and five Greek chapels. There is also a Protestant church at Sitka. I am glad to add that at the latter place there is a public library, which some years ago contained seventeen hundred volumes, together with journals, charts, atlases, mathematical and astronomical instruments. In Atcha, Oonalaska, Ka-

diak, and Sitka schools are reported at the expense of the Company, though not on a very comprehensive scale; for Admiral Wrangell mentions only ninety boys as enjoying these advantages in 1839. In Oonalaska and Kadiak there were at the same time orphan asylums for girls, where there were in all about thirty; but the Admiral adds, that "these useful institutions will, without doubt, be improved to the utmost." Besides these, which are confined to particular localities, there is said to be a hospital near every factory in all the districts.

I have no means of knowing if these territorial subdivisions have undergone recent modification. They will be found in the "Russischen Besitzungen" of Wrangell, published in 1839, in the "Geographie" of Wappäus in 1856, and in the "Archiv von Russland" of 1863, containing the article on the Report of Golowin. I am thus particular with regard to them from a double motive. Besides helping us to understand the government, they afford suggestions of practical importance in any future organization.

The Company has not been without criticism. Pictures of it are by no means rose color. These, too, furnish instruction. Early in the century its administration was the occasion of open and repeated complaint. It was pronounced harsh and despotic. Langsdorff is indignant that "a free trading company should exist independent, as it were, of the Government, not confined within any definite regulations, but who can exercise their authority free and uncontrolled, nay, even unpunished, over so vast an extent of country." In stating the case, he adds, that "the Russian subject here enjoys no protection of his property, lives in no security, and, if oppressed, has no one to whom he can

apply for justice. The agents of the factories, and their subordinate officers, influenced by humor or interest, decide everything arbitrarily." And this arbitrary power seems to have prevailed wherever a factory was established. "The stewardship in each single establishment is entirely despotic; though nominally depending upon the principal factory at Kadiak, these stewards do just what they please, without the possibility of their being called to account." If such was the condition of Russians, what must have been that of natives? Here the witness answers: "I have seen the Russian fur-hunters dispose of the lives of the natives solely according to their own arbitrary will, and put these defenceless creatures to death in the most horrible manner."[1] Our own D'Wolf records Langsdorff's remonstrance in behalf of "the poor Russians," and adds that it was "but to little purpose."[2] Krusenstern concurs in this testimony, and, if possible, darkens the colors. According to him, "Every one must obey the iron rule of the agent of the American Company; nor can there be either personal property or individual security, where there are no laws. The chief agent of the American Company is the boundless despot over an extent of country which, comprising the Aleutian Islands, stretches from 57° to 61° of latitude and from 130° to 190° of east longitude"; and he adds, in a note, "There are no courts of justice in Kadiak, nor any of the Company's possessions."[3] Chamisso, the naturalist of Kotzebue's expedition, while confessing incompetency to speak on the treatment of the natives by the Company, declares "his wounded feelings and his commiseration."[4] It is

[1] Voyages and Travels, Vol. II. pp. 69, 70.
[2] Voyage, p. 54.
[3] Voyage, Vol. II. p. 107.
[4] Voyage, Vol. III. p. 314.

too probable that the melancholy story of our own aborigines has been repeated. As these criticisms were by Russian officers, they must have had a certain effect. I cannot believe that the recent government, administered by the enlightened magistrates of whom we have heard, has been obnoxious to such terrible accusations; nor must it be forgotten that the report of Lisiansky, contemporaneous with those of Langsdorff and Krusenstern, is much less painful.

Baranoff, who had been so long superintendent, retired in 1818. He is much praised by Langsdorff, who saw him in 1805–6, and by Lütke, who was at Sitka in 1828. Both attribute to him a genius for his place, and a disinterested devotion to the interests of the Company, whose confidence he enjoyed to the end. D'Wolf says, "He possessed a strong mind, easy manners and deportment," and "commanded the greatest respect from the Indians."[1] Although administering affairs for more than a generation without rendering accounts, he died poor. He was succeeded by Captain Hagemeister. Since then, according to Lütke, an infinity of reforms has taken place, by which order and system have been introduced.

The Russian officer, Captain Golowin, who visited these possessions in 1860, has recommended certain institutional reforms, which are not without interest at this time. His recommendations concern the governor and the people. According to him, the governor should be appointed by the Crown with the concurrence of the Company, removable only when his continuance is plainly injurious to the colony; he should be subject only to the Crown, and his powers should be limited,

[1] Voyage, p. 22.

especially in regard to the natives; he should provide protection for the colonists by means of cruisers, and should personally visit every district annually; the colonists, Creoles, and subject natives, such as the Aleutians, should be governed by magistrates of their own selection; the name of "free Creole" should cease; all disputes should be settled by the local magistrates, unless the parties desire an appeal to the governor; schools should be encouraged, and, if necessary, provided at the public expense. These suggestions, in the nature of a reform bill, foreshadow a condition of self-government in harmony with republican institutions.

It is evident that these Russian settlements, distributed through an immense region and far from any civilized neighborhood, have little in common with those of European nations elsewhere, unless we except the Danish on the west coast of Greenland. Nearly all are on the coast or the islands. They are nothing but "villages" or "factories" under protection of palisades. Sitka is an exception, due unquestionably to its selection as headquarters of the Government, and also to the eminent character of the governors who have made it their home. The executive mansion and the social life there have been described by recent visitors, who acknowledged the charms of politeness on this distant northwestern coast. Lütke portrays life among its fogs, and especially the attractions of the governor's house. This was in the time of Admiral Wrangell, whose wife, possessing a high education, embellished the wilderness by her presence, and furnished an example of a refined and happy household. His account of Sitkan hospitality differs in some respects from that of English writers who succeeded. He records that fish was the staple

dish at the tables of functionaries as well as of the poor, and that the chief functionary himself was rarely able to have meat for dinner. During the winter, a species of wild sheep, the Musmon or Argali, also known in Siberia, and hunted in the forests, furnished an occasional supply. But a fish diet did not prevent his house from being delightful, — as was that of Baranoff, at an earlier day, according to D'Wolf, who speaks of "an abundance of good cheer."[1]

Sir Edward Belcher, the English circumnavigator, while on his voyage round the world, stopped there. From him we have an account of the executive mansion and fortifications, which will not be out of place in this attempt to portray the existing Government. The house is of wood, described as "solid," one hundred and forty feet in length by seventy feet wide, of two stories, with lofts, capped by a light-house in the centre of the roof, which is covered with sheet-iron. It is about sixty feet above the sea-level, and completely commands all the anchorage in the neighborhood. Behind is a line of picketed logs twenty-five feet in height, flanked at the angles by block-houses, loopholed and furnished with small guns and swivels. The fortifications, when complete, "will comprise five sides, upon which forty pieces of cannon will be mounted, principally old ship-guns, varying from twelve to twenty-four pounders." The arsenal is praised for the best of cordage in ample store, and for the best of artificers in every department. The interior of the Greek church was found to be "splendid, quite beyond conception in such a place as this." The school and hospital had a "comparative cleanliness and comfort, and much to

[1] Voyage, p. 51.

admire, — although a man-of-war's man's ideas of cleanliness are perhaps occasionally acute." But it is the social life which seems to have most surprised the gallant captain. After telling us that "on their Sunday all the officers of the establishment, civil as well as military, dine at the governor's," he introduces us to an evening party and dance, which the latter gave to show his English guest "the female society of Sitka," and records that everything "passed most delightfully," especially, that, "although the ladies were almost self-taught, they acquitted themselves with all the ease and elegance communicated by European instruction." Sir Edward adds, that "the society is indebted principally to the governor's elegant and accomplished lady — who is of one of the first Russian families — for much of this polish"; and he describes sympathetically her long journey through Siberia with her husband, "on horseback or mules, enduring great hardships, in a most critical moment, in order to share with him the privations of this barbarous region." But, according to him, barbarism is disappearing; and he concludes by declaring that "the whole establishment appears to be rapidly on the advance, and at no distant period we may hear of a trip to Norfolk Sound through America as little more than a summer excursion."[1] Is not this time near at hand?

Four years afterward, Sir George Simpson, governor-in-chief of the Hudson's Bay Company, on his overland journey round the world, stopped at Sitka. He had just crossed the continent by way of the Red River settlements to Vancouver. He, too, seems to have been pleased. He shows us in the harbor "five sailing ves-

[1] Voyage round the World, Vol. I. pp. 95 - 106.

sels, ranging between two hundred and three hundred and fifty tons, besides a large bark in the offing in tow of a steamer"; and he carries us to the executive mansion, already described, which reappears as "a suite of apartments, communicating, according to the Russian fashion, with each other, all the public rooms being handsomely decorated and richly furnished, commanding a view of the whole establishment, which was in fact a little village, while about half-way down the rock two batteries on terraces frowned respectively over the land and the water." There was another Administrator-General since the visit of Sir Edward Belcher; but again the wife plays her charming part. After portraying her as a native of Helsingfors, in Finland, the visitor adds: "So that this pretty and ladylike woman had come to this, her secluded home, from the farthest extremity of the Empire." Evidently in a mood beyond contentment, he says: "We sat down to a good dinner in the French style, the party, in addition to our host and hostess and ourselves, comprising twelve of the Company's officers"; and his final judgment seems to be given, when he says: "The good folks of New Archangel appear to live well. The surrounding country abounds in the chevreuil, the finest meat that I ever ate, with the single exception of moose," while "in a little stream which is within a mile of the fort salmon are so plentiful at the proper season, that, when ascending the river, they have been known literally to embarrass the movements of a canoe."[1] Such is the testimony.

With these concluding pictures I turn from the Government.

[1] Journey round the World, Vol. I. pp. 218, 219, 220, 227.

2. *Population.* — I come now to the Population, which may be considered in its numbers and in its character. In neither respect, perhaps, can it add much to the value of the country, except so far as native hunters and trappers are needed for the supply of furs. Professor Agassiz touches this point in a letter which I have just received from him, where he says: "To me the fact that there is as yet hardly any population would have great weight, as this secures the settlement to our race." But we ought to know something, at least, of the people about to become the subjects of our jurisdiction, if not our fellow-citizens.

First. In trying to arrive at an idea of their *numbers,* I begin with Lippincott's Gazetteer, as it is the most accessible, according to which the whole population in 1851, aboriginal, Russian, and Creole, was 61,000. The same estimate appears also in the London "Imperial Gazetteer" and in the "Geographie" of Wappäus. Keith Johnston, in his "Physical Atlas," calls the population, in 1852, 66,000. McCulloch, in the last edition of his "Geographical Dictionary," puts it as high as 72,375. On the other hand, the "Almanach de Gotha" for the present year calls it 54,000. This estimate seems to have been adopted substantially from the great work, "Les Peuples de la Russie," which I am disposed to consider as the best authority.

Exaggerations are common with regard to the inhabitants of newly acquired possessions, and this distant region is no exception. An enthusiastic estimate once placed its population as high as 400,000. Long ago, Schelekoff, an early Russian adventurer, reported that he had subjected to the Crown of Russia 50,000 persons

in the island of Kadiak alone.[1] But Lisiansky, who followed him there in 1804–5, says: "The population of this island, when compared with its size, is very small." After "the minutest research," he found that it amounted only to 4,000 souls.[2] It is much less now, — probably not more than 1,500.

It is easy to know the number of those within the immediate jurisdiction of the Company. This is determined by a census. Even here the aborigines are the most numerous. Then come the Creoles, and last the Russians. But here you must bear in mind a distinction with regard to the former. In Spanish America all of European parentage born there are "Creoles"; in Russian America this term is applicable only to those whose parents are European and native, — in other words, "half-breeds." According to Wrangell, in 1833, the census of dependants of the Company in all its districts was 652 Russians, 991 Creoles, and 9,016 Aleutians and Kadiaks, being in all 10,659. Of these, 5,509 were men and 5,150 were women. In 1851, according to the report of the Company, there was an increase of Creoles, with a corresponding diminution of Russians and aborigines, being 505 Russians, 1,703 Creoles, and 7,055 aborigines, in all 9,263. In 1857 there were 644 Russians, 1,903 Creoles, and 7,245 aborigines, in all 9,792, of whom 5,133 were men and 4,659 were women. The increase from 1851 to 1857 was only 529, or about one per cent. annually. In 1860 there were "some hundreds" of Russians, 2,000 Creoles, and 8,000 aborigines, amounting in all to 10,540, of whom 5,382 were men and 5,158 were

[1] Voyage, 1783–87: Coxe's Russian Discoveries (4th edit.), p. 219.
[2] Voyage, pp. 192, 193.

women. I am thus particular, that you may see how stationary population has been even within the sphere of the Company.

The number of Russians and Creoles at the present time in the whole colony cannot be more than 2,500. The number of aborigines under the direct government of the Company may be 8,000. There remain also the mass of aborigines outside the jurisdiction of the Company, and having only a temporary or casual contact with it for purposes of trade. In this respect they are not unlike the aborigines of the United States while in their tribal condition, described so often as "Indians not taxed." For the number of these outside aborigines I prefer to follow the authority of the recent work already quoted, "Les Peuples de la Russie," according to which they are estimated at between forty and fifty thousand.

Secondly. In speaking of *character*, I turn to a different class of materials. The early Russians here were not Pilgrims. They were mostly runaways, fleeing from justice. Langsdorff says, "The greater part of the Promüschleniks and inferior officers of the different settlements are Siberian criminals, malefactors, and adventurers of various kinds."[1] The single and exclusive business of the Promüschleniks was the collection of furs. But the name very early acquired a bad odor. Here again we have the same Russian authority, who, after saying that the inhabitants of the distant islands are under the superintendence of a Promüschlenik, adds, — "which is, in other words, under that of a rascal, by whom they are oppressed, tormented, and plundered in every possible way."[2] It must be re-

[1] Voyages and Travels, Vol. II. pp. 67, 68. [2] Ibid., pp. 69, 70.

membered that this authentic portrait is not of our day.

The aborigines are all, in common language, Esquimaux; but they differ essentially from the Esquimaux of Greenland, and they also differ among themselves. Though popularly known by this family name, they have as many divisions and subdivisions, with as many languages and idioms, as France once had. There are large groups, each with its own nationality and language; and there are smaller groups, each with its tribal idiom. In short, the great problem of Language is repeated here. Its forms seem to be infinite. Scientific inquiry traces many to a single root, but practically they are different. Here is that confusion of tongues which yields only to the presence of civilization; and it becomes more remarkable, as the idiom is often confined to so small a circle.

Looking at them ethnographically, we find two principal groups or races, — the first scientifically known as Esquimaux, and the second as Indians. By another nomenclature, having the sanction of authority and usage, they are divided into Esquimaux, Aleutians, Kenaians, and Koloschians, being four distinct groups. The Esquimaux and Aleutians are reported Mongolian in origin. According to doubtful theory, they passed from Asia to America by the succession of islands beginning on the coast of Japan and extending to Alaska, which for this purpose became a bridge between the two continents. The Kenaians and Koloschians are Indians, belonging to known American races. So that these four groups are ethnographically resolved into two, and the two are resolved popularly into one.

There are general influences more or less applica-

ble to all these races. The climate is peculiar, and the natural features of the country are commanding. Cool summers and mild winters are favorable to the huntsman and fisherman. Lofty mountains, volcanic forms, large rivers, numerous islands, and an extensive sea-coast constitute the great Book of Nature for all to read. None are dull. Generally they are quick, intelligent, and ingenious, excelling in the chase and in navigation, managing a boat as the rider his horse, until man and boat seem to be one. Some are very skilful with tools, and exhibit remarkable taste. The sea is bountiful, and the land has its supplies. From these they are satisfied. Better still, there is something in their nature which does not altogether reject the improvements of civilization. Unlike our Indians, they are willing to learn. By a strange superstition, which still continues, these races derive descent from different animals. Some are gentle and pacific; others are warlike. All, I fear, are slaveholders; some are cruel taskmasters; others, in the interior, are reputed cannibals. But the country back from the sea-coast is still an undiscovered secret.

(1.) Looking at them in ethnographical groups, I begin with the *Esquimaux*, who popularly give the name to the whole. They number about 17,000, and stretch along the indented coast from its eastern limit on the Frozen Ocean to the mouth of the Copper River, in 60° north latitude, excluding the peninsula of Alaska, occupied by Aleutians, and the peninsula of Kenai, occupied by Kenaians. More powerful races, of Indian origin, following the courses of the great rivers northward and westward, have gradually crowded the Esquimaux from the interior, until they constitute a belt on the

salt water, including the islands of the coast, and especially Kadiak. Their various dialects are traced to a common root, while the prevailing language betrays an affinity with the Esquimaux of Greenland, and the intervening country watered by the Mackenzie. They share the characteristics of that extensive family, which, besides spreading across the continent, occupies an extent of sea-coast greater than any other people of the globe, from which their simple navigation has sallied forth so as to give them the name of Phœnicians of the North. Words exclusively belonging to the Esquimaux are found in the dialects of other races completely strangers, as Phœnician sounds are observed in the Celtic speech of Ireland.

The most known of the Russian Esquimaux is the small tribe now remaining on the island of Kadiak, which from the beginning has been a centre of trade. Although by various intermixture they already approach the Indians of the coast, losing the Asiatic type, their speech remains a distinctive sign of race. They are Esquimaux, and I describe them in order to present an idea of this people.

The men are tall, with copper skins, small black eyes, flat faces, and teeth of dazzling whiteness. Once the women pierced the nostrils, the lower lip, and the ears, for ornaments; but now only the nostrils suffer. The aboriginal costume is still preserved, especially out of doors. Their food is mostly from the sea, without the roots or berries which the island supplies. The flesh and oil of the whale are a special luxury. The oil is drunk pure, or used to season other food. Accustomed to prolonged abstinence, they exhibit at times an appetite amounting to prodigy. In one night six men

were able to devour the whole of a large bear. A strong drink made from the strawberry and myrtle, producing the effect of opium, has yielded to brandy. Sugar and tea are highly esteemed; but snuff is a delight. Lisiansky records that they would go out of the way twenty miles merely for a pinch.[1] They have tools of their own, which they use with skill. Their baidars, or canoes, are distinguished for completeness of finish and beauty of form. Unlike those of the Koloschians, lower down on the coast, which are hollowed from trunks of trees, they are of seal-skins stretched on frames, with a single aperture in the covering to receive the person of the master. The same skill appears in the carving of wood, whalebone, and walrus-ivory. Their general mode of life is said to be like that of other tribes on the coast. To all else they add knowledge of the healing art and passion for gaming.

Opposite Kadiak, on the main-land east, are the Tchugatchi, a kindred tribe, speaking the same language, but a different dialect. Northward is a succession of kindred tribes, differing in speech, and each with local peculiarities, but all are represented as kind, courteous, hospitable, and merry. It is a good sign, that merriment should prevail. Their tribal names are derived from a neighboring river, or some climatic circumstance. Thus, for instance, those on the mighty Kwichpak have the name of Kwichpakmutes, or "inhabitants of the great river." Those on Bristol Bay are called by their cousins of Norton Sound Achkugmutes, or "inhabitants of the warm country"; and the same designation is applied to the Kadiaks. Warmth, like other things in this world, is comparative; and to an

[1] Voyage, p. 179, note.

Esquimaux at 64° north latitude another five degrees further south is in a "warm country." These northern tribes have been visited lately by our Telegraphic Exploring Expedition, which reports especially their geographical knowledge and good disposition. As the remains of Major Kennicott descended the Kwichpak, they were not without sympathy from the natives. Curiosity also had its part. At a village where the boat rested for the night, the chief announced that it was the first time white men had ever been seen there.

(2.) The *Aleutians*, sometimes called Western Esquimaux, number about 3,000. By a plain exaggeration, Knight, in his Cyclopædia of Geography, makes them 20,000. Their home is the archipelago of volcanic islands whose name they bear, and also a portion of the contiguous peninsula of Alaska. The well-defined type has already disappeared; but the national dress continues. This is a long shirt with tight sleeves, made from the skins of birds, either the sea-parrot or the diver. This dress, called the *parka*, is indispensable as clothing, blanket, and even as habitation, during a voyage, being a complete shelter against wind and cold. They, too, are fishermen and huntsmen; but they seem to excel as artificers. The instruments and utensils of the Oonalaskans have been noted for beauty. Their baidars were pronounced by Sauer "infinitely superior to those of any other island,"[1] and another navigator declares them "the best means yet discovered to go from place to place, either upon the deepest or the shallowest water, in the quickest, easiest, and safest manner possible."[2] These illustrate their nature, which is

[1] Billings's Expedition, p. 157.
[2] Langsdorff, Voyages and Travels, Vol. II. p. 43.

finer than that of their neighbors. They are at home on the water, and excite admiration by the skill with which they manage their elegant craft, so that Admiral Lütke recognized them as Cossacks of the Sea.

Oonalaska is the principal of these islands, and from the time they were first visited seems to have excited a peculiar interest. Captain Cook painted it kindly; so have succeeding navigators. And here have lived the islanders who have given to navigators a new experience. Alluding especially to them, the reporter of Billings's voyage says: "The capacity of the natives of these islands infinitely surpasses every idea that I had formed of the abilities of savages."[1] There is another remark of this authority which shows how they had yielded, even in their favorite dress, to the demands of commerce. After saying that formerly they had worn garments of sea-otter, he pathetically adds, "but not since the Russians have had any intercourse with them."[2] Poor islanders! Exchanging choice furs, once their daily wear, for meaner skins!

(3.) The *Kenaians*, numbering as many as 25,000, take their common name from the peninsula of Kenai, with Cook's Inlet on the west and Prince William Sound on the east. Numerous beyond any other family in Russian America, they belong to a widespread and teeming Indian race, which occupies all the northern interior of the continent, stretching from Hudson's Bay in the east to the Esquimaux in the west. This is the great nation called sometimes Athabascan, or, from the native name of the Rocky Mountains, on whose flanks they live, Chippewyan, but more properly designated as Tinneh, with branches in Southern Ore-

[1] Billings's Expedition, p. 273. [2] Ibid., p. 155.

gon and Northern California, and then again with other offshoots, known as the Apaches and Navajoes, in Arizona, New Mexico, and Chihuahua, thirty degrees of latitude from the parent stem. Of this extended race, the northwestern branch, known to travellers as Loucheux, and in their own tongue as Kutchin, after occupying the inner portion of Russian America on the Yukon and the Porcupine, reached the sea-coast at Cook's Inlet, where they appear under the name of Kenaians. The latter are said to bear about the same relation, in language and intellectual development, to the entire group, as the islanders of Kadiak bear to the Esquimaux.

The Kenaians call themselves in their own dialect by yet another name, Thnainas, meaning Men; thus, by a somewhat boastful designation, asserting manhood. Their features and complexion associate them with the red men of America, as does their speech. The first to visit them was Cook, and he was struck by the largeness of their heads, which seemed to him disproportioned to the rest of the body. They were strong-chested also, with thick, short necks, spreading faces, eyes inclined to be small, white teeth, black hair, and thin beard, — their persons clean and decent, without grease or dirt. In dress they were thought to resemble the people of Greenland. Their boats had a similar affinity. But in these particulars they were not unlike the other races already described. They were clothed in skins of animals, with the fur outward, or sometimes in skins of birds, over which, for protection against rain, was a frock made from the intestines of the whale, "prepared so skilfully as almost to resemble our gold-beater leaf."[1] Their boats were of

[1] Cook, Voyage to the Pacific, Vol. II. p. 362.

seal-skin stretched on frames, and of different sizes. In one of these Cook counted twenty women and one man, besides children. At that time, though thievish in propensity, they were not unamiable. Shortly afterwards they were reported by Russian traders, who had much to do with them, as "good people," who behaved "in the most friendly manner."[1] I do not know that they have lost this character since.

Here, too, is the accustomed multiplicity of tribes, each with its idiom, and sometimes differing in religious superstition, especially on the grave question of descent from the dog or the crow. There is also a prevailing usage for the men of one tribe to choose wives from another tribe, when the tribal character of the mother attaches to the offspring, which is another illustration of the Law of Slavery, *Partus sequitur ventrem.* The late departure from this usage is quoted by the old men as a sufficient reason for the mortality which has afflicted the Kenaians, although a better reason is found in the ravages of the small-pox, unhappily introduced by the Russians. In 1838, ten thousand persons on the coast are reported victims to this disease.

(4.) Last of the four races are the *Koloschians,* numbering about 4,000, who occupy the coast and islands from the mouth of the Copper River to the southern boundary of Russian America, making about sixteen settlements. They belong to an Indian group extending as far south as the Straits of Fuca, and estimated to contain 25,000 souls. La Pérouse, after considerable experience of the aborigines on the Atlantic coast, asserts that those he saw here are not Esquimaux.[2] The

[1] Billings's Expedition, p. 197.
[2] Voyage, Tom. II. p. 205.

name seems to be of Russian origin, and is equivalent to Indian. Here again is another variety of language, and as many separate nations. Near Mount St. Elias are the Yakutats, who are the least known; then come the Thlinkits, occupying the islands and coast near Sitka, and known in Oregon under the name of Stikines; and then again we have the Kygans, who, beginning on Russian territory, overlap Queen Charlotte's Island, beneath the British flag. All these, with their subdivisions, are Koloschians; but every tribe or nation has four different divisions, derived from four different animals, the whale, the eagle, the crow, and the wolf, which are so many heraldic devices, marking distinct groups.

Points already noticed in the more northern groups are repeated here. As among the Kenaians, husband and wife are of different animal devices. A crow cannot marry a crow. There is the same skill in the construction of canoes; but the stretched seal-skin gives place to the trunk of a tree shaped and hollowed, so that it sometimes holds forty persons. There are good qualities among Aleutians which the Koloschians do not possess; but the latter have, perhaps, stronger sense. They are of constant courage. As daring navigators they are unsurpassed, sailing six or seven hundred miles in open canoes. Some are thrifty, and show a sense of property. Some have developed an aptitude for trade unknown to their northern neighbors, or to the Indians of the United States, and will work for wages, whether in tilling the ground or other employment. Their superior nature discards corporal punishment, even for boys, as an ignominy not to be endured. They believe in a Creator, and in the immortality of the soul. But here a mystic fable is woven into their faith. The spirits of

heroes dead in battle are placed in the sky, and appear in the Aurora Borealis. Long ago a deluge occurred, when the human family was saved in a floating vessel, which, after the subsidence of the waters, struck on a rock and broke in halves. The Koloschians represent one half of the vessel, and the rest of the world the other half. Such is that pride of race which civilization does not always efface.

For generations they have been warriors, prompt to take offence, and vindictive, as is the nature of the Indian race, — always ready to exact an eye for an eye and a tooth for a tooth. This character has not changed. As was the case once in Italy, the dagger is an inseparable companion. Private quarrels are common. The duel is an institution. So is slavery still, — having a triple origin in war, purchase, or birth. The slave is only a dog, and must obey his master in all things, even to taking the life of another. He is without civil rights; he cannot marry or possess anything; he can eat only offal; and his body, when released by death, is thrown into the sea. A chief sometimes sacrifices his slaves, and then another chief seeks to outdo his inhumanity. All this is indignantly described by Sir Edward Belcher and Sir George Simpson. But a slave once a freedman has all the rights of a Koloschian. Here, too, are the distinctions of wealth. The rich paint their faces daily; the poor renew the paint only when the colors begin to disappear.

These are the same people who for more than a century have been a terror on this coast. It was Koloschians who received the two boats' crews of the Russian discoverer in 1741, as they landed in one of its wooded coves, and no survivor returned to tell their fate. They

were actors in another tragedy at the beginning of the century, when the Russian fort at Sitka was stormed and its defenders put to death, some with excruciating torture. Lisiansky, whose visit was shortly afterward, found them "a shrewd and bold, though a perfidious people," whose chiefs used "very sublime expressions," and swore oaths, like that of Demosthenes, "by their ancestors, by relatives living and dead, and called heaven, earth, the sun, moon, and stars to witness for them, particularly when they meant to deceive."[1] According to D'Wolf, "both sexes are expert in the use of fire-arms," and he saw them bathing in the sea with the thermometer below freezing, running over the ice, and "performing all manner of antics with the same apparent enjoyment as if it had been a warm spring."[2] The fort has been repeatedly threatened by these warriors, who multiply by reinforcements from the interior, so that the governor in 1837 reported, that, "although seven hundred only were now in the neighborhoood, seven thousand might arrive in a few hours."[3] A little later their character was recognized by Sir George Simpson, when he pronounced them "numerous, treacherous, and fierce," in contrast with Aleutians, whom he describes as "peaceful even to cowardice."[4] And yet this fighting race is not entirely indocile, if we may credit recent report, that its warriors are changing to traders.

3. *Climate.* — From Population I pass to Climate, which is more important, as it is a constant force. Climate is the key to this whole region. It is the governing power which rules production and life, for

[1] Voyage, p. 167, note.
[2] Voyage, pp. 48, 49.
[3] Belcher, Voyage, Vol. I. p. 94.
[4] Journey round the World, Vol. I. p. 225.

Nature and man must each conform to its laws. Here at last the observations of science give to inquiry a solid support.

Montesquieu has some famous chapters on the influence of climate over customs and institutions.[1] Conclusions regarded in his day as visionary or far-fetched are now unquestioned truth. Climate is a universal master. But nowhere, perhaps, does it appear more eccentric than in the southern portion of Russian America. Without a knowledge of climatic laws, the weather here would seem like a freak of Nature. But a brief explanation shows how all its peculiarities are the result of natural causes which operate with a force as unerring as gravitation. Heat and cold, rain and fog, to say nothing of snow and ice, which play such a part, are not abnormal, but according to law.

This law has been known only of late years. Even so ingenious an inquirer as Captain Cook notices the mildness of the climate, without attempting to account for it. He records, that, in his opinion, "cattle might subsist in Oonalaska all the year round without being housed";[2] and this was in latitude 53° 52′, on the same parallel with Labrador, and several degrees north of Quebec; but he stops with a simple statement of the suggestive fact. This, however, was inconsistent with the received idea at the time. A geographer, who wrote a few years before Cook sailed, has a chapter in which, assuming that the climate of Quebec continues across the continent, he argues that America is colder than Asia. I refer to the "Mémoires Géographiques" of Engel.[3]

[1] De l'Esprit des Lois, Liv. XIV.
[2] Voyage to the Pacific Ocean, Vol. II. p. 520.
[3] Part. III. § 6, pp. 196, 197.

He would have been astonished, had he seen the revelations of an isothermal map, showing precisely the reverse: that the climate of Quebec does not continue across the continent; that the Pacific coast of our continent is warmer than the corresponding Atlantic coast; and that America is warmer than Asia, so far at least as can be determined by the two opposite coasts. Such is the truth, of which there are plentiful signs. The Flora on the American side, even in Behring Strait, is more vigorous than that on the Asiatic side, and the American mountains have less snow in summer than their Asiatic neighbors. Among many illustrations of the temperature, I know none more direct than that furnished by the late Hon. William Sturgis, of Boston, — who was familiar with the Northwest Coast at the beginning of the century, — in a lecture on the Oregon question in 1845. After remarking that the climate there is "altogether milder and the winter less severe than in corresponding latitudes on this side the continent," he proceeds to testify, that, as a proof of its mildness, he had "passed seven winters between the latitudes of 51° and 57°, frequently lying so near the shore as to have a small cable fast to the trees upon it, and only once was his ship surrounded by ice sufficiently firm to bear the weight of a man."[1] But this intelligent navigator assigns no reason. To the common observer it seemed as if the temperature grew milder, travelling with the sun until it dipped in the ocean.

Among authorities open before me I quote two, which show that this difference of temperature between the Atlantic and Pacific coasts was imagined, if not actually recognized, during the last century. Portlock, the

[1] The Oregon Question, p. 28.

Englishman, who was on the coast in 1786, after saying that during stormy and unsettled weather the air had been mild and temperate, remarks that he is "inclined to think that the climate here is not so severe as has been generally supposed."[1] La Pérouse, the Frenchman, whose visit was the same year, having been before in Hudson's Bay, on the other side of the continent, says still more explicitly, "The climate of this coast seemed to me infinitely milder than that of Hudson's Bay, in the same latitude. We measured pines six feet in diameter and a hundred and forty feet high; those of the same species at Fort Prince of Wales and Fort York are of a dimension scarcely sufficient for studding-sail booms."[2] Langsdorff, when at Sitka in 1805–6, was much with D'Wolf, the American navigator, and records the surprise of the latter "at finding the cold less severe in Norfolk Sound than at Boston, Rhode Island, and other provinces of the United States, which lie more to the south."[3] D'Wolf, in his own work, says: "January brought cold, but not severe weather"; and in February, the weather, though "rather more severe than the previous month," was "by no means so cold as in the United States, latitude 42°."[4]

All this is now explained by known forces in Nature. Of these the most important is a thermal current in the Pacific, corresponding to the Gulf Stream in the Atlantic. The latter, having its origin in the heated waters of the Gulf of Mexico, flows as a river through the ocean northward, encircling England, bath-

[1] Voyage, p. 118.
[2] Voyage, Tom. II. p. 187.
[3] Voyages and Travels, Vol. II. pp. 101, 102.
[4] Voyage, pp. 52, 53.

ing Norway, and warming all within its influence. A similar stream in the Pacific, sometimes called the Japanese Current, having its origin under the equator near the Philippines and the Moluccas, amid no common heats, after washing the ancient empire of Japan, sweeps north, until, forming two branches, one moves onward to Behring Strait, and the other bends east, along the Aleutian Islands, and then south, along the coast of Sitka, Oregon, and California. Geographers have described this "heater," which in the lower latitudes is as high as 81° of Fahrenheit, and even far to the north as high as 50°. A chart in Findlay's "Pacific Ocean Directory" portrays its course, as it warms so many islands and such an extent of coast. An officer of the United States Navy, Lieutenant Bent, in a paper before the Geographical Society of New York, while exhibiting the influence of this current in mitigating the climate of the Northwest Coast, mentions that vessels on the Asiatic side, becoming unwieldy with accumulations of ice on the hull and rigging, run over to the higher latitude on the American side and "thaw out." But the tepid waters which melt the ice on a vessel must change the atmosphere, wherever they flow.

I hope you will not regard the illustration as too familiar, if I remind you that in the economy of a household pipes of hot water are sometimes employed in tempering the atmosphere by heat carried from below to rooms above. In the economy of Nature these thermal currents are only pipes of hot water, modifying the climate of continents by carrying heat from the warm cisterns of the South into the most distant places of the North. So also there are sometimes pipes of hot air, having a similar purpose; and these, too,

are found in this region. Every ocean wind, from every quarter, traversing the stream of heat, takes up the warmth and carries it to the coast, so that the oceanic current is reinforced by an aërial current of constant influence.

These forces are aided essentially by the configuration of the Northwest Coast, with a lofty and impenetrable barricade of mountains, by which its islands and harbors are protected from the cold of the North. Occupying the Aleutian Islands, traversing the peninsula of Alaska, and running along the margin of the ocean to the latitude of 54° 40′, this mountain-ridge is a climatic division, or, according to a German geographer, a "climatic shed," such as perhaps exists nowhere else in the world. Here are Alps, some of them volcanic, with Mount St. Elias higher than Mont Blanc, standing guard against the Arctic Circle. So it seems even without the aid of science. Here is a dike between the icy waters of Behring Sea and the milder Southern Ocean. Here is a partition between the treeless northern coast and the wooded shores of the Kenaians and Koloschians. Here is a fence which separates the animal kingdom, having on one side the walrus and ice-fox from the Frozen Ocean, and on the other side the humming-bird from the tropics. I simply report the testimony of geography. And now you will not fail to observe how by this configuration the thermal currents of ocean and air are left to exercise their climatic power.

One other climatic incident here is now easily explained. Early navigators record the prevailing moisture. All are enveloped in fog. Behring names an island Foggy. Another gives the same designation to

a cape at the southern extremity of Russian America. Cook records fog. La Pérouse speaks of rain and continued fog in the month of August. And now visitors, whether for science or business, make the same report. The forests testify also. According to physical geography, it could not be otherwise. The warm air from the ocean, encountering the snow-capped mountains, would naturally produce this result. Rain is nothing but atmosphere condensed and falling in drops to the earth. Fog is atmosphere held in solution, but so far condensed as to become visible. This condensation occurs, when the air is chilled by contact with a colder atmosphere. These very conditions occur on the Northwest Coast. The ocean air, coming in contact with the elevated range, is chilled, until its moisture is set free.

Add to these influences, especially at Sitka, the presence of mountain masses and of dense forests, all tending to make the coast warmer in winter and colder in summer than it would otherwise be.

Practical observation verifies these conclusions of science. Any isothermal map is enough for our purpose; but there are others which show the relative conditions generally of different portions of the globe. I ask attention to those of Keith Johnston, in his admirable Atlas. But I am glad to present a climatic table of the Pacific coast in comparison with the Atlantic coast, recently compiled, at my request, from the archives of the Smithsonian Institution, with permission of its learned secretary, by a collaborator of the Institution, who visited Russian America under the auspices of the Telegraph Company. By this table we are able to comprehend the relative position of this region in the physical geography of the world.

Places of Observation.	Mean Temperature in Degrees Fahrenheit.					Precipitation in Rain or Snow. Depth in Inches.				
	Spring.	Summer.	Autumn.	Winter.	Year.	Spring.	Summer.	Autumn.	Winter.	Year.
St. Michael's, Russ. Am. Lat. 63° 28′ 45″ N.	28.75	52.25	27.00	7.00	27.48	...	...	...	...	...
Fort Yukon, Russ. Am. Lat. (near) 67°.	14.22	59.67	17.37	−23.80	16.92	...	...	...	...	...
Ikogmut, Russ. Am. . Lat. 61° 47′.	19.62	49.32	36.05	0.95	24.57	...	...	...	...	...
Sitka, Russ. Am. . . Lat. 57° 3′.	39.65	53 37	43.80	32 30	42.28	18.32	15.75	32.10	23.77	89.94
Puget Sound, Wash. T. Lat. 47° 7′.	48.88	63.44	51 30	39.38	50 75	7.52	3.68	15.13	20.65	46.98
Astoria, Oregon . . . Lat. 46° 11′.	51.16	61.36	53.55	42.43	52.13	16.43	4.85	21.77	44.15	87.20
San Francisco, Cal. . Lat. 37° 48′.	55.39	58.98	58.29	50.25	55.73	6.65	0 09	2.69	13.49	22.92
Nain, Labrador . . . Lat. 56° 10′.	23.67	48.57	33.65	0.40	26.40	...	...	...	...	...
Montreal, Canada East Lat. 45° 30′.	41.20	68.53	44.93	16.40	42.77	7.66	11.20	7.42	0.72	27.00
Portland, Maine . . Lat. 43° 39′.	40.12	63.75	45.75	21.52	42.78	...	...	...	...	...
Fort Hamilton, N. Y. . Lat. 40° 37′.	47.84	71.35	55.79	32.32	51.82	11 69	11.64	9.88	10.31	43.52
Washington, D. C. . . Lat. 38° 54′.	54.19	73.07	53.91	33.57	53.69	10.48	10.53	10.16	10.06	41.23

It is seen here that the winters of Sitka are relatively warm, not differing much from those of Washington; but the summers are colder. The mean temperature of winter is 32.30°, while that of summer is 53.37°. The Washington winter is 33.57°; the Washington summer is 73.07°. These points exhibit the peculiarities of this coast, — warm winters and cool summers.

The winter of Sitka is milder than that of many European capitals. It is much milder than that of St. Petersburg, Moscow, Stockholm, Copenhagen, Berlin, or Bern. It is milder even than that of Mannheim, Stuttgart, Vienna, Sebastopol in the Crimea, or Turin. It is not much colder than that of Padua. According to

observations at Sitka in 1831, it froze only two days in December and seven days in January. In February, the longest frost lasted five days; in March, it did not freeze during the day at all, and rarely in the night. During the next winter, the thermometer did not fall below 21° Fahrenheit; in January, 1834, it reached 11°. On the other hand, a temperature of 50° has been noted in January. The roadstead is open throughout the year, and only a few landlocked bays are frozen.

The prevailing dampness at Sitka renders a residence there far from agreeable, although it does not appear injurious to health. England is also damp; but Englishmen boast that theirs is the best climate of the world. At Sitka the annual fall of rain is about ninety inches. The mean annual fall in all England is forty inches, although in mountainous districts of Cumberland and Westmoreland the fall amounts to ninety and even one hundred and forty inches. In Washington it is forty-one inches. The forests at Sitka are so wet that they will not burn, although frequent attempts have been made to set them on fire. The houses, which are of wood, suffer from constant moisture. In 1828 there were twenty days when it rained or snowed continuously; one hundred and twenty when it rained or snowed part of the day, and only sixty-six days of clear weather. Some years, only forty bright days have been counted. Hinds, the naturalist, records only thirty-seven "really clear and fine days."[1] A scientific observer who was there last year counted sixty. A visitor for fourteen days found only two when nautical observations could be made; but these were as fine as he had ever known in any country.

[1] Belcher's Voyage round the World, Appendix, Vol. II. p. 332.

The whole coast from Sitka to the peninsula of Alaska seems to have the same continuous climate, whether in temperature or moisture. The island of Kadiak and the recess of Cook's Inlet are outside this climatic curve, so as to be comparatively dry. Langsdorff reports winters "frequently so mild in the low parts of Kadiak that the snow does not lie upon the ground for any length of time, nor is anything like severe cold felt."[1] Belcher, on his passage between Montague and Hinchinbrook Islands, found an "oppressively hot sun."[2] The Aleutian Islands, further west, are somewhat colder than Sitka, although the difference is not great. The summer temperature is seldom above 66°; the winter temperature is more seldom as low as 2° below zero. The snow falls about the beginning of October, and is seen sometimes as late as the end of April; but it does not remain long on the surface. The mean temperature of Oonalaska is about 40°. Chamisso found the temperature of spring-water at the beginning of the year 38.50°. There are years when it rains on this island the whole winter. The fogs prevail from April till the middle of July, when for the time they are driven further north. The islands northward toward Behring Strait are proportionately colder; but I remind you that the American coast is milder than the opposite coast of Asia.

From Mr. Bannister I have an authentic statement with regard to the temperature north of the Aleutians, as observed by himself in the autumn of 1865 and the months following. Even here the winter does not seem so terrible as is sometimes imagined. During most of the time, work could be done with comfort in the open

[1] Voyages and Travels, Vol. II. p. 61. [2] Voyage, Vol. I. p. 70.

air. Only when it stormed the men were kept within doors. In transporting supplies from St. Michael's to Nulato, a distance of two hundred and fifty miles, they found no hardship, even when obliged to bivouac in the open air.

On Norton Sound and the Kwichpak River winter may be said to commence at the end of September, although the weather is not severe till the end of October. The first snow falls about the 20th or 25th of September. All the small ponds and lakes were frozen early in October. The Kwichpak was frozen solid about the 20th or 25th of this month. On the 1st of November the harbor at St. Michael's was still open, but on the morning of the 4th it was frozen solid enough for sledges to cross on the ice. In December there were two thaws, one accompanied by rain for a day. The snow was about two feet deep at the end of the month. January was uniformly cold, and it was said that at a place sixty-five miles northeast of St. Michael's the thermometer descended to 58° below zero. February was usually mild all over the country. In the middle of the month there was an extensive thaw, with showers of rain. About half the snow disappeared, leaving much of the ground bare. March was pleasant, without very cold weather. Its mean temperature was 20°; its minimum was 3° below zero. Spring commences on the Kwichpak the 1st of May, or a few days later, when the birds return and vegetation begins. The ice did not entirely disappear from the river till after the 20th of May. The sea-ice continued in the bay of St. Michael's as late as 1st June. The summer temperature is much higher in the interior than on the coast. Parties travelling on the Kwichpak in June complained sometimes of heat.

The river Yukon, which, flowing into the Kwichpak, helps to swell that stream, is navigable for at least four, if not five, months in the year. The thermometer at Fort Yukon is sometimes at 65° below zero of Fahrenheit, and for three months of a recent winter it stood at 50° below zero without variation. In summer it rises above 80° in the shade; but a hard frost occurs at times in August. The southwest wind brings warmth; the northeast wind brings cold. Some years, there is no rain for months; and then, again, showers alternate with sunshine. The snow packs hard at an average of two and a half feet deep. The ice is four or five feet thick; in a severe winter it is six feet thick. Life at Fort Yukon, under these rigors of Nature, although far from inviting, is not intolerable.

Such is the climate of this extensive region, so far as known, along its coast, among its islands, and on its great rivers, from its southern limit to its most northern ice, with contrasts and varieties such as Milton describes: —

> "For hot, cold, moist, and dry, four champions fierce,
> Strive here for mastery."

4. *Vegetable Products.* — Vegetable products depend upon climate. They are determined by its laws. Therefore what has been already said upon the one prepares the way for the consideration of the other; and here we have the reports of navigators and the suggestions of science.

From the time this coast was first visited, navigators reported the aspects which Nature assumed. But their opportunities were casual, and they necessarily confined themselves to what was most obvious. As civilization

did not exist, the only vegetable products were indigenous to the soil. At the first landing, on the discovery of the coast by Behring, Steller found among the provisions in one of the Indian cabins "a sweet herb dressed for food in the same manner as in Kamtchatka." That "sweet herb" is the first vegetable production of which we have record on this coast. At the same time, although ashore only six hours, this naturalist "gathered herbs, and brought such a quantity to the ship that the describing of them took him a considerable time." This description was afterwards adopted by Gmelin in his "Flora Sibirica."[1]

Trees were noticed even before landing. They enter into descriptions, and are often introduced to increase the savage wildness of the scene. La Pérouse doubts "if the deep valleys of the Alps and the Pyrenees present a scene so frightful, but at the same time so picturesque that it would deserve to be visited by the curious, if it were not at one of the extremities of the earth."[2] Lisiansky, as he approached the coast of Sitka, records that "nothing presented itself to the view but impenetrable woods, reaching from the water-side to the very tops of the highest mountains"; that he "never saw a country so wild and gloomy; it appeared more adapted for the residence of wild beasts than of men."[3] Lütke portrays the "savage and picturesque aspect" of the whole Northwest Coast.[4]

As navigators landed, they saw Nature in detail; and here they were impressed by the size of the trees. Cook finds at Prince William Sound "Canadian and spruce pine, and some of them tolerably large."[5] La Pérouse

[1] Müller, Voyages from Asia to America (London, 1764), p. 85.
[2] Voyage, Tom. II. p. 191.
[3] Voyage, p. 145.
[4] Voyage, Tom. I. p. 101.
[5] Voyage, Vol. II. p. 379.

describes pines measuring six feet in diameter and one hundred and forty feet in height, and then again introduces us to "those superb pines fit for the masts of our largest vessels."[1] Portlock notices in Cook's Inlet "wood of different kinds in great abundance, such as pine, black-birch, witch-hazel, and poplar; many of the pines large enough for lower masts for a ship of four hundred tons burden"; and then again at Prince William Sound "trees of the pine kind, some very large; a good quantity of alder; a kind of hazel, but not larger than will do for making handspikes."[2] Meares reports "woods thick," also "the black-pine in great plenty, capable of making excellent spars."[3] Sauer, who was there a little later, in the expedition of Billings, reports that they "took in a number of fine spars"; and he proceeds to say: "The timber comprised a variety of pines of an immense thickness and height, some extremely tough and fibrous, and of these we made our best oars."[4] Vancouver mentions, in latitude 60°, a "woodland country."[5] Langsdorff describes trees in the neighborhood of Sitka, many of them measuring six feet in diameter and one hundred and fifty feet in height, "excellent wood for ship-building and masts."[6] Lisiansky says, that, at Kadiak, "for want of fir, we made a new bowsprit of one of the pine-trees, which answered admirably."[7] Lütke testifies to the "magnificent pine and fir" at Sitka, adding what seems an inconsistent judgment with regard to its durability.[8] Belcher notices Garden Island, in latitude 60° 21′, as "covered with pine-trees"; and then again, at Sitka, speaks of "a very

[1] Voyage, Tom. II. pp. 187, 188.
[2] Voyage, pp. 102, 251.
[3] Voyages, Vol. I. pp. lxiv, lxv.
[4] Expedition, pp. 197, 198.
[5] Voyage, Vol. III. p. 95.
[6] Voyages and Travels, Vol. II. p. 103.
[7] Voyage, p. 191, note.
[8] Voyage, Tom. I. p. 105.

fine-grained, bright yellow cypress" as the most valuable wood, which, besides being used in boats, was exported to the Sandwich Islands, in return especially for Chinese goods.[1]

Turning westward from Cook's Inlet, the forests on the sea-line are rarer, until they entirely disappear. The first settlement on the island of Kadiak was on the southwestern coast; but the want of timber caused its transfer to the northeastern coast, where are "considerable forests of fine tall trees."[2] But where trees are wanting, grass seems to abound. This is the case with Kadiak, the peninsula of Alaska, and the Aleutian Islands generally. Of these, Oonalaska, libelled in the immortal verse of Campbell, has been the most described. This well-known island is without trees; but it seems singularly adapted to the growth of grass, which is often so high as to impede the traveller and to overtop even the willows. The mountains themselves are for a considerable distance clothed with rich turf. One of these scenes is represented in a print you will find among the views of the vegetation of the Pacific in the London reproduction of the work of Kittlitz. This peculiarity was first noticed by Cook, who says, with a sailor's sententiousness, that he did not see there "a single stick of wood of any size," but "plenty of grass, which grows very thick and to a great length."[3] Lütke records, that, after leaving Brazil, he met nothing so agreeable as the grass of this island.

North of the peninsula of Alaska, on Behring Sea, the forests do not approach the coast, except at the

[1] Voyage, Vol. I. pp. 73, 97.
[2] Langsdorff, Voyages and Travels, Vol. II. p. 65.
[3] Voyage, Vol. II pp. 425, 520.

heads of bays and sounds, although they abound in the interior, and extend even to within a short distance of the Frozen Ocean. Such is the personal testimony of a scientific observer recently returned from this region. In Norton Sound, Cook, who was the first to visit it, reports "a coast covered with wood, an agreeable sight," and, on walking into the country, small spruce-trees, "none of them above six or eight inches in diameter." A few days afterward "a party of men were sent on shore to cut brooms, and the branches of spruce-trees for brewing beer."[1] On the Kwichpak, and its affluent, the Yukon, trees are sometimes as high as a hundred feet. The supply of timber at St. Michael's is from the drift-wood of the river. Near Fort Yukon, at the junction of the Porcupine and Yukon, are forests of pine, poplar, willow, and birch. The pine is the most plentiful; but the small islands in the great river are covered with poplar and willow. Immense trunks rolling under the fort show that there must be large trees nearer the head-waters.

But even in northern latitudes the American coast is not without vegetation. Grass takes the place of trees. At Fort Yukon, in latitude 67°, there is "a thin, wiry grass." Navigators notice the contrast between the opposite coasts of the two continents. Kotzebue, while in Behring Strait, where the two approach each other, was struck by black, mossy rocks frowning with snow and icicles on the Asiatic side, while on the American side "even the summits of the highest mountains were free from snow," and "the coast was covered with a green carpet."[2] But the contrast with the Atlantic coast of the continent is hardly less. The northern limit of

[1] Voyage, Vol. II. pp. 476, 480, 482.

[2] Voyage, Vol. I. p. 249.

trees is full seven degrees higher in Russian America than in Labrador. In point of fact, on the Atlantic coast, in latitude 57° 58′, which is nearly that of Sitka, there are no trees. All this is most suggestive.

Next after trees, early navigators speak oftenest of berries, which they found in profusion. Not a sailor lands who does not find them. Cook reports "a variety of berries" at Norton Sound, and "great quantities" at Oonalaska.[1] Portlock finds at Prince William Sound "fruit-bushes in great abundance, such as bilberry-bushes, raspberry-bushes, strawberries, elder-berry-bushes, and currant-bushes, red and black," and "any quantity of the berries might be gathered for a winter's stock."[2] Meares saw there "a few black-currant-bushes."[3] Billings finds at Kadiak "several species of berries, with currants and raspberries in abundance, the latter white, but extremely large, being bigger than any mulberry he had ever seen."[4] Langsdorff notes most of these at Oonalaska, with cranberries and whortleberries besides.[5] Belcher reports at Garden Island "strawberries, whortleberries, blaeberries, pigeon-berries, and a small cranberry, in tolerable profusion, without going in search of them."[6] These I quote precisely, and in the order of time.

Next to berries were plants for food; and these were in constant abundance. Behring, on landing at the Shumagin Islands, observed the natives "to eat roots which they dug out of the ground, and scarce shaked off the earth before they eat them."[7] Cook reports at Oonalaska "a great variety of plants, several of them

[1] Voyage, Vol. II. pp. 478, 494.
[2] Voyage, pp. 251, 252.
[3] Voyages, Vol. I. p. lxv.
[4] Expedition, p. 182.
[5] Voyages and Travels, Vol. II. p. 34.
[6] Voyage, Vol. I. p. 74.
[7] Müller, Voyages, p. 90.

such as we find in Europe and in other parts of America, particularly in Newfoundland: . . . . all these we found very palatable, dressed either in soups or in salads."[1] La Pérouse, who landed in latitude 58° 37′, finds a French bill of fare, including celery, chicory, sorrel, and "almost all the pot-herbs of the meadows and mountains of France," besides "several kinds of grass suitable for forage." Every day and each meal the ship's kettle was filled with these supplies, and all ate them in soups, ragouts, and salads, much to the benefit of their health.[2] Portlock mentions at Port Etches, besides "fine water-cresses," "just above the beach, between the bay and the lake, a piece of wild wheat, about two hundred yards long and five yards wide, growing at least two feet high," which, "with proper care, might certainly be made an useful article of food"; and at Cook's Inlet he reports "ginseng and snakeroot."[3] Meares reports at the latter place "inexhaustible plenty" of ginseng, and at Prince William Sound "snakeroot and ginseng, some of which the natives have always with them as a medicine." He adds: "The ginseng of this part of America is far preferable to that of the eastern side."[4] Billings finds at Kadiak "ginseng, wild onions, and the edible roots of Kamtchatka," and then again at Prince William Sound "plenty of ginseng and some snakeroot."[5] Vancouver finds at Port Mulgrave "wild vegetables in great abundance."[6] Langsdorff adds to the list, at Oonalaska, "that sweet plant, the Siberian parsnip."[7] These, too, I quote precisely, and in the order of time.

[1] Voyage, Vol. II. pp. 519, 520.
[2] Voyage, Tom. II. p. 188.
[3] Voyage, pp. 118, 242.
[4] Voyages, Vol. I. p. lxiv; II. p. 287.
[5] Expedition, pp. 182, 198.
[6] Voyage, Vol. III. p. 233.
[7] Voyages and Travels, Vol II. p 34.

Since the establishment of Europeans on this coast, an attempt has been made to introduce the nutritious grains and vegetables known to the civilized world, but without very brilliant success. Against wheat and rye and against orchard fruits are obstacles of climate, perhaps insuperable. These require summer heat; but here the summer is comparatively cold The northern limit of wheat is several degrees below the southern limit of these possessions, so that this friendly grain is out of the question. Rye flourishes further north, as do oats also. The supposed northern boundary of these grains embraces Sitka and grazes the Aleutian Islands. But other climatic conditions are wanting, at least for rye. One of these is dry weather, which is required at the time of its bloom. Possibly the clearing of the forest may produce a modification of the weather. At present barley grows better, and there is reason to believe that it may be cultivated successfully very far to the north. It has ripened at Kadiak. Many garden vegetables have become domesticated. Lütke reports potatoes at Sitka, so that all have enough.[1] Langsdorff reports the same of Kadiak and Oonalaska.[2] There are also at Sitka radishes, cabbages, cauliflowers, peas, and carrots, — making a very respectable list. At Norton Sound I hear of radishes, beets, and cabbages. Even as far north as Fort Yukon, on the parallel of 67°, potatoes, peas, turnips, and even barley, have been grown; but the turnips were unfit for the table, being rotten at the heart. A recent resident reports that there are no fruit-trees, and not even a raspberry-bush, and that he lost all his potatoes during one season by a frost in the

[1] Voyage, Tom. I. p. 118.
[2] Voyages and Travels, Vol. II. pp. 35, 62.

latter days of July; but do not forget that these potatoes were the wall-flowers of the Arctic Circle.

Thus it appears that the vegetable productions of the country are represented practically by trees. The forests, overshadowing the coast from Sitka to Cook's Inlet, are all that can be shown under this head out of which a revenue can be derived, unless we add ginseng, so much prized by the Chinese, and perhaps also snakeroot. Other things may contribute to the scanty support of a household; but timber will, in all probability, be an article of commerce. It has been so already. Ships from the Sandwich Islands have come for it, and there is reason to believe that this trade may be extended indefinitely, so that Russian America will be on the Pacific like Maine on the Atlantic, and the lumbermen of Sitka vie with their hardy brethren of the East.

These forests, as described, seem to afford all that can be desired. The trees are abundant, and they are perfect in size, not unlike

> "the tallest pine
> Hewn on Norwegian hills to be the mast
> Of some great ammiral."

But a doubt has been raised as to their commercial value. Here we have the inconsistent testimony of Lütke. According to him, the pines and firs, which he calls "magnificent," constitute an untried source of commercial wealth. Not only California, but other countries, poor in trees, like Mexico, the Sandwich Islands, and even Chili, will need them. And yet he does not conceal an unfavorable judgment of the timber, which, as seen in the houses of Sitka, suffering from constant moisture, did not seem durable.[1] Sir

[1] Voyage, Tom. I. pp. 105, 151.

Edward Belcher differs from the Russian admiral, for he praises especially "the timber of the higher latitudes, either for spars or plank."[1] Perhaps its durability may depend upon the climate where it is used; so that, though failing amidst the damps of Sitka, it may be lasting enough, when transported to another climate. In the rarity of trees on the islands and mainland of the Pacific, the natural supply is in Russian America. One of the early navigators even imagined that China must look this way, and he expected that "the woods would yield a handsome revenue, when the Russian commerce with China should be established."[2] American commerce with China is established. Perhaps timber may become one of its staples.

A profitable commerce in timber has already begun at Puget Sound. By official returns of 1866 it appears that it was exported to a long list of foreign countries and places, in which I find Victoria, Honolulu, Callao, Tahiti, Canton, Valparaiso, Adelaide, Hong Kong, Sydney, Montevideo, London, Melbourne, Shanghae, Peru, Coquimbo, Calcutta, Hilo, Cape Town, Cork, Guaymas, and Siam; and in this commerce were employed no less than eighteen ships, thirty barks, four brigs, twenty-eight schooners, and ten steamers. The value of the lumber and spars exported abroad was over half a million dollars, while more than four times that amount was shipped coastwise. But the coasts of Russian America are darker with trees than those further south. Pines, in which they abound, do not flourish as low down as Puget Sound. Northward, they are numerous and easily accessible.

In our day the Flora of the coast has been explored

[1] Voyage, Vol. I. p. 300. [2] Lisiansky, Voyage, p. 236.

with care. Kittlitz, who saw it as a naturalist, portrays it with the enthusiasm of an early navigator; but he speaks with knowledge. He, too, dwells on the "surprising power and luxuriance" of the pine forests, describing them with critical skill. The trees which he identifies are the Pinus Canadensis, distinguished for its delicate foliage; the Pinus Mertensiana, a new species, rival of the other in height; and the Pinus Palustris, growing on swampy declivities, and not attaining height. In the clearings or on the outskirts of thickets are shrubs, being chiefly a species of Rubus, with flowers of carmine and aromatic fruit. About and over all are mosses and lichens, invigorated by the constant moisture, while colossal trees, undermined or uprooted, crowd the surface, reminding the scientific observer of the accumulations of the coal measures. Two different prints in the London reproduction of the work of Kittlitz present pictures of these vegetable productions grouped for beauty and instruction. I refer to these, and also to the Essay of Hinds on "The Regions of Vegetation," the latter to be found at the end of the volumes containing Belcher's Voyage.

In turning from the vegetable products of this region, it will not be out of place, if I refer for one moment to its domestic animals, for these are necessarily associated with such products. Some time ago it was stated that cattle had not flourished at Sitka, owing to the want of proper pasturage, and the difficulty of making hay in a climate of such moisture. Hogs are more easily sustained, but, feeding on fish, instead of vegetable products, their flesh acquires a fishy taste, which does not recommend it. Nor has there been great success with poultry, for this becomes the prey

of the crow, whose voracity here is absolutely fabulous. A Koloschian tribe traces its origin to this bird, which in this neighborhood might be a fit progenitor. Not content with swooping upon hens and chickens, it descends upon swine to nibble at their tails, and so successfully "that the hogs here are without tails," and then it scours the streets so well that it is called the Scavenger of Sitka. But there are other places more favored. The grass at Kadiak is well suited to cattle, and it is supposed that sheep would thrive there. The grass at Oonalaska is famous, and Cook thought the climate good for cattle, of which we have at least one illustration. Langsdorff reports that a cow grazed here luxuriously for several years, and then was lost in the mountains. That grazing animal is a good witness. Perhaps also it is typical of the peaceful inhabitants.

5. *Mineral Products.* — In considering the Mineral Products, I ask attention first to the indications afforded by the early navigators. They were not geologists. They saw only what was exposed. And yet, during the long interval that elapsed, not very much has been added to their conclusions. The existence of iron is hardly less uncertain now than then. The existence of copper is hardly more certain now than then. Gold, which is so often a dangerous *ignis-fatuus*, did not appear to deceive them. But coal, which is much more desirable than gold, was reported by several, and once at least with reasonable certainty.

The boat that landed from Behring, when he discovered the coast, found among other things "a whetstone on which it appeared that copper knives had

been sharpened." This was the first sign of the mineral wealth which already excites such interest. At another point where Behring landed, "one of the Americans had a knife hanging by his side, of which his people took particular notice on account of its unusual make."[1] It has been supposed that this was of iron. Next came Cook, who, when in Prince William Sound, saw "copper and iron." In his judgment, the iron came, "through the intervention of the more inland tribes, from Hudson's Bay, or the settlements on the Canadian lakes," and his editor refers in a note to the knife seen by Behring as from the same quarter; but Cook thought that the copper was obtained near at home, as the natives, when engaged in barter, gave the idea, "that, having so much of this metal of their own, they wanted no more."[2] Naturally enough, for they were not far from the Copper River. Maurelle, in 1779, landed in sight of Mount St. Elias, and he reports Indians with arrow-heads of copper, which "made the Spaniards suspect mines of this metal there."[3] La Pérouse, who was also in this neighborhood, after mentioning that the naturalists of the expedition allowed no stone or pebble to escape observation, reports ochre, copper pyrites, garnets, schorl, granite, schist, horn-stone, very pure quartz, mica, plumbago, coal, and then adds that some of these substances announce that the mountains conceal mines of iron and copper. He reports further that the natives had daggers of iron, and sometimes of red copper; that the latter metal was common enough, serving for ornaments and for the points

[1] Müller, Voyages from Asia to America, pp. 85, 90.
[2] Voyage, Vol. II. pp. 379, 380.
[3] La Pérouse, Voyage, Introduction, Tom. I. p. 340.

of arrows; and he then states the very question of Cook with regard to the acquisition of these metals. He insists also that "the natives know how to forge iron and work copper."[1] Spears and arrows "pointed with bone or iron," and also "an iron dagger" for each man, appear in Vancouver's account of the natives on the parallel of 55°, just within the southern limit of Russian America.[2] Lisiansky saw at Sitka "a thin plate made of virgin copper" found on Copper River, three feet in length, and at one end twenty-two inches in breadth, with various figures painted on one side, which had come from the possession of the natives.[3] Meares reports "pure malleable lumps of copper ore in the possession of the natives,"—one piece weighing as much as a pound, said to have been obtained in barter with other natives further north,—also necklaces and bracelets "of the purest ore."[4] Portlock, while in Cook's Inlet, in latitude 59° 27′, at a place called Graham's Harbor, makes another discovery. Walking round the bay, he saw "two veins of kennel coal situated near some hills just above the beach, and with very little trouble several pieces were got out of the bank nearly as large as a man's head." If the good captain did not report more than he saw, this would be most important; for, from the time when the amusing biographer of Lord Keeper North described that clean flaky coal which he calls "candle," because often used for its light, but which is generally called "cannel," no coal has been more of a household favorite. He relates, further, that, returning on board in the evening, he "tried some of the coal, and found it to

[1] Voyage, Tom. II. pp. 151, 152, 192, 207.
[2] Voyage, Vol. II. pp. 335, 339.
[3] Voyage, p. 150.
[4] Voyages, Vol. II. pp. 33, 34.

burn clear and well."[1] Add to these different accounts the general testimony of Meares, who, when dwelling on the resources of the country, boldly includes "mines which are known to lie between the latitudes of 40° and 60° north, and which may hereafter prove a most valuable source of commerce between America and China."[2]

It is especially when seeking to estimate the mineral products that we feel the want of careful explorations. We know more of the roving aborigines than of these stationary tenants of the soil. We know more of the trees. A tree is conspicuous; a mineral is hidden in the earth, to be found by chance or science. Thus far it seems as if chance only had ruled. The Russian Government handed over the country to a trading company, whose exclusive interest was furs. The company followed its business, when it looked to wild beasts with rich skins rather than to the soil. Its mines were above ground, and not below. There were also essential difficulties in the way of exploration. The interior was practically inaccessible. The thick forest, saturated with rain and overgrown with wet mosses, presented obstacles which nothing but enlightened enterprise could overcome. Even at a short distance from the port of Sitka all effort failed, and the inner recesses of the island, only thirty miles broad, were never penetrated.

The late Professor Henry D. Rogers, in his admirable paper on the Physical Features of America, being part of his contribution to Keith Johnston's Atlas, full of knowledge and of fine generalization, says of this northwest belt, that it is "little known in its topogra-

[1] Voyage, p. 108. [2] Voyages, Vol. II. p. 291.

phy to any but the roving Indians and the thinly scattered fur-trappers." But there are certain general features which he proceeds to designate. According to him, it belongs to what is known as the tertiary period of geology, intervening between the cretaceous period and that now in progress, but including also granite, gneiss, and ancient metamorphic rocks. It is not known if the true coal measures prevail in any part, although there is reason to believe that they exist on the coast of the Arctic Ocean between Cape Lisburne and Point Barrow.

Beginning at the south, we have Sitka and its associate islands, composed chiefly of volcanic rocks, with limestone near. Little is known even of the coast between Sitka and Mount St. Elias, which, itself a volcano, is the beginning of a volcanic region occupying the peninsula of Alaska and the Aleutian Islands, and having no less than thirty volcanoes, some extinct, but others still active. Most of the rocks here are volcanic, and the only fossiliferous beds are of the tertiary period. North of Alaska, and near the mouth of the Kwichpak, the coast seems volcanic or metamorphic, and probably tertiary, with a vein of lignite near the head of Norton Sound. At the head of Kotzebue Sound the cliffs abound in the bones of elephants and mammals now extinct, together with those of the musk-ox and other animals still living in the same latitude. From Kotzebue Sound northward, the coast has a volcanic charracter. Then at Cape Thompson it is called subcarboniferous, followed by rocks of the carboniferous age, being limestones, shales, and sandstones, which extend from Cape Lisburne far round to Point Barrow. At Cape Beaufort, very near the seventieth parallel of lat-

itude, and north of the Arctic Circle, on a high ridge a quarter of a mile from the beach is a seam of coal which appears to be of the true coal measures.

From this general outline, which leaves much in uncertainty, I come to what is more important.

It is not entirely certain that iron has been found, although frequently reported. Evidence points to the south, and also to the north. Near Sitka it was reported by the Russian engineer Doroschin, although it does not appear that anything has been done to verify his report. A visitor there, as late as last year, saw excellent iron, said to be from a bed in the neighborhood, reported inexhaustible, and with abundant wood for its reduction. Then again on Kotzebue Sound specimens have been collected. At 66° 13′ Kotzebue found a false result in his calculations, which he attributes to the disturbing influence of "iron."[1] A resident on the Yukon thinks that there is iron in that neighborhood.

Silver, also, has been reported at Sitka by the same Russian engineer who reported iron, and, like the iron, in "sufficient quantity to pay for the working."

Lead was reported by the Russian explorer, Lieutenant Zagoyskin, on the lower part of the Kwichpak; but it is not known to what extent it exists.

Copper is found on the banks of the Copper River, called by the Russians the Mjednaja, meaning copper, and of its affluent, the Tchetchitno, in masses sometimes as large as forty pounds. Of this there can be little doubt. It is mentioned by Golowin, in the "Archiv" of Erman, as late as 1863. Undoubtedly from this neighborhood was obtained the copper which arrested the attention of the early navigators. Traces of copper are

[1] Voyage, Vol. I. p. 214.

found in other places on the coast; also in the mountains near the Yukon, where the Indians use it for arrow-heads.

Coal seems to exist all along the coast, — according to Golowin, "everywhere, in greater or less quantity." Traces are reported on the islands of the Sitkan archipelago; and this is extremely probable, for it has been worked successfully on Vancouver's Island below. It is also found on the Kenaian peninsula, Alaska, the island of Unga, belonging to the Shumagin group, Oonalaska, and far to the north at Cape Beaufort. At this last place it is "slaty, burning with a pure flame and rapid consumption," and it is supposed that there are extensive beds in the neighborhood better in quality. For an account of this coal I refer to the scientific illustrations of Beechey's Voyage. The natives also report coal in the interior on the Kwichpak. The coal of Oonalaska, and probably of Alaska, is tertiary, and not adapted for steamers. With regard to that of Unga scientific authorities are divided. That of the Kenaian peninsula is the best and the most extensive. It is found on the eastern side of Cook's Inlet, half way between Cape Anchor and the Russian settlement of St. Nicholas, in veins three quarters of a yard or more in thickness, and ranging in quality from mere carboniferous wood to anthracite. According to one authority, these coal veins extend and spread far into the interior. This coal has more than once been sent to California for trial, and was there pronounced a good article. Since then it has been mined by the Company, not only for their own uses, but also for export to California. In making these statements, I rely particularly upon Golowin, in the "Archiv" of Erman, and

upon the elaborate work of Grewingk, in the "Transactions of the Mineralogical Society of St. Petersburg" for 1848 and 1849,[1] where is a special map of the Kenaian peninsula.

Gold is less important than coal, but its discovery produces more excitement. The report of gold in any quarter stimulates the emigrant or the adventurer hoping to obtain riches swiftly. Nor is this distant region without such experience. Only a few years ago, the British colony of Victoria was aroused by a rumor of gold in the mountains of the Stikine River, not far in the interior from Sitka. At once there was a race that way, and the solitudes of this river were penetrated by hunters in quest of the glittering ore. Discomfiture ensued. Gold had been found, but not in any sufficient quantities reasonably accessible. Nature for the present had set up obstacles. But failure in one place will be no discouragement in another, especially as there is reason to believe that the mountains here contain a continuation of those auriferous deposits which have become so famous further south. The Sierra Nevada chain of California reaches here.

Traces of gold have been observed at other points. One report places a deposit not far from Sitka. The same writer who reports iron also reports that during the last year he saw a piece of gold as large as a marble, which was shown by an Indian. But the Russian engineer, Doroschin, furnishes testimony more precise. He reports gold in at least three different localities, each of considerable extent. The first is the mountain range on the north of Cook's Inlet and extending into the peninsula of Alaska, consisting principally of clay slate

[1] Page 112.

with permeating veins of diorite, the latter being known as a gold-bearing rock. He observed this in the summer of 1851. About the same time, certain Indians from the Bay of Yakutat, not far from Mount St. Elias, brought him specimens of diorite found in their neighborhood, making, therefore, a second deposit. In the summer of 1855, the same engineer found gold on the southern side of Cook's Inlet, in the mountains of the Kenay peninsula. Satisfying himself, first, that the bank occupied by the redoubt of St. Nicholas, at the mouth of the Kaknu River, was gold-bearing, he was induced to follow the development of diorite in the upper valley of the river, and, as he ascended, found a gold-bearing alluvion, gradually increasing, with scales of gold becoming coarser and coarser, instead of scarcely visible, as at first.

It does not appear that the discoveries on Cook's Inlet were pursued; but it is reported that the Hudson's Bay Company, holding the country about the Bay of Yakutat under a lease from the Russian Company, have found the diorite in that neighborhood valuable. This incident has given rise to a recent controversy. Russian journals attacked the engineer for remissness in not exploring the Yakutat country. He has defended himself by setting out what he actually did in the way of discovery, and the essential difficulty at the time in doing more: all which will be found in a number, just received, of the work to which I have so often referred, the "Archiv" of Erman, for 1867.[1]

Thus much for the mineral resources of this new-found country, as recognized at a few points on the extensive coast, leaving the vast unknown interior without a word.

[1] Band XXV. pp. 229, seqq.

6. *Furs.* — I pass now to Furs, which at times have vied with minerals in value, although the supply is more limited and less permanent. Trappers are "miners" of the forest, seeking furs as others seek gold. The parallel continues also in the greed and oppression unhappily incident to the pursuit. A Russian officer, who was one of the early visitors on this coast, remarks that to his mind the only prospect of relief for the suffering natives "consists in the total extirpation of the animals of the chase," which he thought, from the daily havoc, must take place in a very few years.[1] This was at the close of the last century. The trade, though essentially diminished, still continues an important branch of commerce.

Early in this commerce, desirable furs were obtained in barter for a trifle; and when something of value was exchanged, it was much out of proportion to the furs. This has been the case generally in dealing with the natives, until their eyes have been slowly opened. In Kamtchatka, at the beginning of the last century, half a dozen sables were obtained in exchange for a knife, and a dozen for a hatchet; and the Kamtchadales wondered that their Cossack conquerors were willing to pay so largely for what seemed worth so little. Similar incidents on the Northwest Coast are reported by the early navigators. Cook mentions that in exchange for "beads" the Indians at Prince William Sound "readily gave whatever they had, even their fine sea-otter skins," which they prized no more than other skins, until it appeared how much they were prized by their visitors.[2] Where there was no competition,

[1] Sauer, Billings's Expedition, p. 274.
[2] Voyage, Vol. II. pp. 357, 358.

prices rose slowly, and many years after Cook, the Russians at Oonalaska, in return for "trinkets and tobacco," received twelve sea-otter skins, and fox skins of different kinds to the number of near six hundred.[1] These instances show in a general way the spirit of this trade even to our own day. On the coast, and especially in the neighborhood of the factories, the difference in the value of furs is recognized, and a proportionate price obtained, which Sir Edward Belcher found in 1837 to be for "a moderately good sea-otter skin from six to seven blankets, increasing to thirteen for the best," together with "sundry knick-knacks."[2] But in the interior it is otherwise. A recent resident in the region of the Yukon assures me that he has seen skins worth several hundred dollars bartered for goods worth only fifty cents.

Beside whalers and casual ships, with which the Esquimaux are in the habit of dealing, the commerce in furs, on both sides of the continent, north of the United States, has for a long time been in the hands of two corporations, — being the Hudson's Bay Company, with directors in London, and the Russian American Company, with directors in St. Petersburg. The former is much the older of the two, and has been the most flourishing. Its original members were none other than Prince Rupert, the Duke of Albemarle, Earl Craven, Lord Ashley, and other eminent associates, who received a charter from Charles the Second, in 1670, to prosecute a search after a new passage to the South Sea, and to establish a trade in furs, minerals, and other considerable commodities in all those seas, and in the British possessions north and west of Canada, with

[1] Billings's Expedition, p. 277. [2] Voyage, Vol. I. p. 101.

powers of government, the whole constituting a colossal monopoly, which stretched from Labrador and Baffin's Bay to an undefined West. At present this great corporation is known only as a fur company, to which all its powers are tributary. For some time its profits were so considerable that it was deemed advisable to hide them by nominal additions to the stock. With the extinction of the St. Petersburg corporation under the present treaty, the London corporation will remain the only existing fur company on the continent, but necessarily restricted in its operation to British territory. It remains to be seen into whose hands the commerce on the Pacific side will fall, now that this whole region will be open to the unchecked enterprise of our citizens.

This remarkable commerce began before the organization of the Russian Company. Its profits may be inferred from a voyage in 1772, described by Coxe, between Kamtchatka and the Aleutians. The tenth part of the skins being handed to the custom-house, the remainder were distributed in fifty-five shares, consisting each of twenty sea-otters, sixteen black and brown foxes, ten red foxes, and three sea-otter tails; and these shares were sold on the spot at from eight hundred to one thousand rubles each, so that the whole lading brought about fifty thousand rubles.[1] The cost of these may be inferred from the articles given in exchange. A Russian outfit, of which I find a contemporary record, was, among other things, "about five hundred weight of tobacco, one hundred weight of glass beads, perhaps a dozen spare hatchets and a few superfluous knives of very bad quality, an immense number of traps for foxes,

[1] Coxe, Russian Discoveries, (3d edit.,) pp. 11, 12.

a few hams, a little rancid butter."[1] With such imports against such exports, the profits must have been considerable.

From Langsdorff we have a general inventory of furs at the beginning of the century in the principal magazine of the Russian Company on the island of Kadiak, drawn from the islands, the peninsula of Alaska, Cook's Inlet, Prince William Sound, and the continent generally. Here were "a great variety of the rarest kinds of fox skins," black, blackish, reddish, silver gray, and stone fox, — the last probably a species of the Arctic; "brown and red bears, the skins of which are of great value," and also "the valuable black bear"; the zisel marmot, and the common marmot; the glutton; the lynx, chiefly of whitish gray; the reindeer; the beaver; the hairy hedgehog; "the wool of a wild American sheep, whitish, fine, and very long," but he could never obtain sight of the animal that produced this wool; also sea-otters, once "the principal source of wealth to the Company, now nearly extirpated, a few hundreds only being annually collected."[2] Many of the same furs were reported by Cook on this coast in his day. They all continue to be found, — except that I hear nothing of wild sheep, save at a Sitkan dinner.

There has been much exaggeration with regard to the profits of the Russian corporation. An English writer of authority calls the produce "immense," and adds that "formerly it was much greater." I refer to the paper of Mr. Petermann, read before the Royal Geographical Society of London, in 1852.[3] The number of skins at times is prodigious, although this fails to reveal

[1] Billings's Expedition, p. 275.
[2] Voyages and Travels, Vol. II. pp. 66, 73-75.
[3] Journal, Vol. XXII. p. 120.

precisely the profits. For instance, Pribyloff collected within two years, on the islands northwest of Alaska which bear his name, the skins of 2,000 sea-otters, 40,000 sea-bears or ursine seals, 6,000 dark ice-foxes, together with 1,000 poods of walrus ivory.[1] The pood is a Russian weight of thirty-six pounds. Lütke mentions that in 1803 no less than 800,000 skins of the ursine seal were accumulated in the factory at Oonalaska, of which 700,000 were thrown into the sea, partly because they were badly prepared, and partly to keep up the price,[2] — thus imitating the Dutch, who for the same reason burned spices. Another estimate masses the collection for a series of years. From 1787 to 1817, for only part of which time the Company existed, the Oonalaska district yielded upwards of 2,500,000 seal-skins; and from 1817 to 1838, during all which time the Company was in power, the same district yielded 879,000 seal-skins. Assuming, what is improbable, that these skins were sold at twenty-five rubles each, some calculating genius has ciphered out the sum-total of proceeds at more than 85,000,000 rubles, — or, calling the ruble seventy-five cents, a sum-total of more than $63,000,000. Clearly, the latter years can show no approximation to any such doubtful result.

Descending from these lofty figures, which, if not exaggerations, are at least generalities, and relate partly to earlier periods, before the existence of the Company, we shall have a better idea of the commerce, if we look at authentic reports for special periods. Admiral Von Wrangell, who was so long governor, must have been well informed. According to statements in his work,

[1] Journal of the Royal Geographical Society, Vol. XXII. p. 120.
[2] Voyage, Tom. I. p. 256.

adopted also by Wappäus in his "Geographie," the Company, from 1826 to 1833, a period of seven years, exported to Russia the skins of the following animals: 9,853 sea-otters, with 8,751 sea-otter tails, 39,981 river-beavers, 6,242 river or land otters, 5,243 black foxes, 7,759 black-bellied foxes, 16,336 red foxes, 24,189 polar foxes, 1,093 lynxes, 559 wolverenes, 2,976 sables, 4,335 swamp-otters, 69 wolves, 1,261 bears, 505 musk-rats, 132,160 seals; also 830 poods of whalebone, 1,490 poods of walrus-teeth, and 7,121 pairs of castoreum.[1] Their value does not appear. Sir George Simpson, the Governor-in-chief of the Hudson's Bay Company, who was at Sitka in 1841, represents the returns of the Company for that year, 10,000 fur-seals, 1,000 sea-otters, 2,500 land-otters, 12,000 beavers, and 20,000 walrus-teeth, without including foxes and martens.[2] There is a report for the year 1852, as follows: 1,231 sea-otters, 129 young sea-otters, 2,948 common otters, 14,486 fur-seals, 107 bears, 13,300 beavers, 2 wolves, 458 sables, 243 lynxes, 163 mole-skins, 1,504 pairs of castoreum, 684 black foxes, 1,590 cross foxes, 5,174 red foxes, 2,359 blue Arctic foxes, 355 white Arctic foxes, and also 31 foxes called white, perhaps albinos.

Besides these reports for special years, I am enabled to present, from the Russian tables of Captain Golowin, another, covering the period from 1842 to 1860, inclusive, — being 25,602 sea-otters, 63,826 otters, probably river-otters, 161,042 beavers, 73,944 foxes, 55,540 Arctic foxes, 2,283 bears, 6,445 lynxes, 26,384 sables, 19,076 musk-rats, 2,536 ursine seals, 338,604 marsh-otters, 712 brace of hare, 451 martens, 104 wolves, 46,274 casto-

[1] Wrangell, Nachrichten über die Russischen Besitzungen, pp. 23, 24. Wappäus, Geographie, p. 302.

[2] Journey round the World, Vol. I. pp. 221, 222.

reums, 7,309 beavers' tails. Here is an inexplicable absence of seal-skins. On the other hand are sables, which belong to Asia, and not to America. The list is Russian, and perhaps embraces furs from the Asiatic islands of the Company.

From a competent source I learn that the value of skins at Sitka during the last year was substantially as follows: Sea-otter, $50; marten, $4; beaver, $2.50; bear, $4.50; black fox, $50; silver fox, $40; cross fox, $25; red fox, $2. A recent price-current in New York gives the following prices there in currency: Silver fox, $10 to $50; cross fox, $3 to $5; red fox, $1 to $1.50; otter, $3 to $6; mink, $3 to $6; beaver, $1 to $4; musk-rat, $0.20 to $0.50; lynx, $2 to $4; black bear, $6 to $12; dark marten, $5 to $20. These New York prices vary from those of Sitka. The latter are the better guide to a comprehension of the proceeds at Sitka, subject to deduction for the expenses of the Company. Of the latter I say nothing now, as I have considered them in speaking of the existing Government.

The skins are obtained in three different ways: first, through the hunters employed by the Company; secondly, in payment of taxes imposed by the Company; and, thirdly, by barter or purchase from independent natives. But, with all these sources, it is certain that the Russian Company has enjoyed no success comparable to that of its British rival; and, still more, there is reason to believe that latterly its profits have not been large.

Amid all the concealment or obscurity which prevails with regard to revenues, it is easy to see that for some time to come there must be a large amount of valuable furs on this coast. The bountiful solitudes of

the forest and of the adjoining waters have not yet been exhausted; nor will they be, until civilization has supplied substitutes. Such, indeed, is part of that humane law of compensation which contributes to the general harmony. For the present there will be trappers on the land, who will turn aside only a little from prizes there to obtain from the sea its otter, seal, and walrus. It cannot be irrelevant, and may not be without interest, if I call attention briefly to those fur-bearing animals which are about to be brought within the sphere of republican government. If we cannot find their exact census, we may at least learn something of their character and value.

The comparative poverty of vegetation in the more northern parts of the continent contrasts with the abundance of animal life, especially if we embrace those tenants of the sea who seek the land for rest. These northern parallels are hardly less productive than the tropics. The lion, the elephant, and the hippopotamus find their counterpart in the bear, the walrus, and the seal, without including the sables and the foxes. Here again Nature, by unerring law, adapts the animal to the climate, and in providing him with needful protection creates also a needful supply for the protection of man; and this is the secret of rich furs. Under the sun of the tropics such provision is as little needed by man as by beast; and therefore Nature, which does nothing inconsistent with wise economy, reserves it for other places.

Among the furs most abundant in this commerce are those of the fox, in its different species and under its different names. Its numbers were noticed early, and gave the name to the eastern group of the Aleutians, which were called Lyssie Ostrowa, or Fox Islands.

Some of its furs are among the very precious. The most plentiful is the red, or, as sometimes called, American; but this is not highly prized. Then comes the Arctic, of little value, and of different colors, sometimes blue, and in full winter dress pure white, whose circumpolar home is indicated by its name. The cross fox is less known, but much more sought, from the fineness of its fur and its color. Its name is derived from dark cruciform stripes, extending from the head to the back and at right angles over the shoulders. It is now recognized to be a variety of the red, from which it differs more in commercial value than in general character. The black fox, which is sometimes entirely of shining black with silver white at the tip of the tail, is called also the silver fox, when the black hairs of the body are tipped with white. They are of the same name in science, sometimes called *argentatus*, although there seem to be two different names, if not different values, in commerce. This variety is more rare than the cross fox. Not more than four or five are taken during a season at any one post in the fur countries, although the hunters use every art for this purpose. The temptation is great, as we are told that "its fur fetches six times the price of any other fur produced in North America."[1] Sir John Richardson, the authority for this statement, forgot the sea-otter, of which he seems to have known little. Without doubt, the black fox is admired for rarity and beauty. La Hontan, the French commander in Canada under Louis the Fourteenth, speaks of its fur in his time as worth its weight in gold.[2]

[1] Richardson, Fauna Boreali-Americana, Part I. p. 94.
[2] Ibid., pp. 94, 95.

Among the animals whose furs are less regarded are the wolverene, known in science as *Gulo*, or glutton, and called by Buffon the "quadruped vulture," with a dark brown fur, becoming black in winter, and resembling that of the bear, but not so long, nor of so much value. There is also the lynx, belonging to the feline race, living north of the Great Lakes and eastward of the Rocky Mountains, with a fur moderately prized in commerce. There is also the musk-rat, which is abundant in Russian America, as it is common on this continent, whose fur enters largely into the cheaper peltries of the United States in so many different ways, and with such various artificial colors that the animal would not know his own skin.

Among inferior furs I may include that very respectable animal, the black bear, reported by Cook "in great numbers," and "of a shining black color."[1] The grizzly bear is less frequent, and is inferior in quality of fur to all other varieties of the bear. The brown bear is supposed to be a variety of the black bear. The polar bear, which at times is a formidable animal, leaving a footprint in the snow nine inches long, was once said not to make an appearance west of the Mackenzie River; but he has been latterly found on Behring Strait, so that he, too, is included among our new population. The black bear, in himself a whole population, inhabits every wooded district from the Atlantic to the Pacific, and from Carolina to the ice of the Arctic, being more numerous inland than on the coast. Langsdorff early remarked that he did not appear on the Aleutians, but on the continent, about Cook's Inlet and Prince William Sound, which are well wooded.[2] He

[1] Voyage, Vol. II. p. 293. [2] Voyages and Travels, Vol. II. p. 74.

has been found even on the Isthmus of Panama. Next to the dog, he is the most cosmopolitan and perhaps the most intelligent of animals, and among those of the forest he is the most known, even to the nursery. His showy fur once enjoyed great vogue in hammer-cloths and muffs, and it is still used in military caps and pistol-holsters; so that he is sometimes called the Army bear. Latterly the fur has fallen in value. Once it brought in London from twenty to forty guineas. It will now hardly bring more than the same number of shillings.

The beaver, amphibious and intelligent, has a considerable place in commerce, and also a notoriety of its own as the familiar synonym for the common covering of a man's head; and here the animal becomes historic. By royal proclamation, in 1638, Charles the First of England commanded "that no beaver-makers whatsoever, from henceforth, shall make any hats or caps but of pure beaver."[1] This proclamation was the death-warrant of beavers innumerable, sacrificed to the demands of the trade. Wherever they existed over a wide extent of country, in the shelter of forests or in lodges built by their extraordinary instinct, they were pursued and arrested in their busy work. The importation of their skins into Europe during the last century was enormous, and it continued until one year it is said to have reached the unaccountable number of 600,000. I give these figures as I find them. Latterly other materials have been obtained for hats, so that this fur has become less valuable. But the animal is still hunted. A medicine supplied by him, and known as the castoreum, has a fixed place in the Materia Medica.

[1] Rymer, Fœdera, Vol. XX. p. 231.

The marten is perhaps the most popular of all the fur-bearing animals belonging to our new possessions. An inhabitant of the whole wooded region of the northern part of the continent, he finds a favorite home in the forests of the Yukon, where he needs his beautiful fur, which is not much inferior to that of his near relative, the far-famed Russian sable. In the trade of the Hudson's Bay Company the marten occupies the largest place, his skins for a single district amounting to more than fifty thousand annually, and being sometimes sold as sable. The ermine, which is of the same weasel family, is of little value except for its captivating name, although its fur finds a way to the English market in enormous quantities. The mink, also of the same general family, was once little regarded, but now, by freak of fashion in our country, this animal has ascended in value above the beaver, and almost to the level of the marten. His fur is plentiful on the Yukon and along the coast. Specimens in the museum of the Smithsonian Institution attest its occurrence at Sitka.

The seal, amphibious, polygamous, and intelligent as the beaver, has always supplied the largest multitude of furs to the Russian Company. The early navigators describe its appearance and numbers. Cook encountered them constantly. Excellent swimmers, ready divers, they seek rocks and recesses for repose, where, though watchful and never sleeping long without moving, they become the prey of the hunter. Early in the century there was a wasteful destruction of them. Young and old, male and female, were indiscriminately knocked on the head for the sake of their skins. Sir George Simpson, who saw this improvidence with an

experienced eye, says that it was hurtful in two ways: first, the race was almost exterminated; and, secondly, the market was glutted sometimes with as many as two hundred thousand a year, so that prices did not pay the expense of carriage.[1] The Russians were led to adopt the plan of the Hudson's Bay Company, killing only a limited number of males who had attained their full growth, which can be done easily, from the known and systematic habits of the animal. Under this economy seals have multiplied again, vastly increasing the supply.

Besides the common seal, there are various species, differing in appearance, so as to justify different names, and yet all with a family character, — including the sea-leopard, so named from his spots, the elephant seal, from his tusks and proboscis, and the sea-lion, with teeth, mane, and a thick cylindrical body. These are of little value, although their skins are occasionally employed. The skin of the elephant seal is strong, so as to justify its use in the harness of horses. There is also the sea-bear, or ursine seal, very numerous in these waters, whose skin, especially if young, is prized for clothing. Steller speaks with grateful remembrance of a garment he made from one, while on the desert island after the shipwreck of Behring.

Associated with the seal, and belonging to the same family, is the walrus, called by the British the sea-horse, the morse, or the sea-cow, and by the French *bête à la grande dent.* His two tusks, rather than his skin, are the prize of the hunter. Unlike the rest of the seal family, he is monogamous, and not polygamous. Cook vividly describes immense herds asleep on the

[1] Journey round the World, Vol. I. p. 222.

ice, with some of their number on guard, and, when aroused, roaring or braying very loud, while they huddled and tumbled together like swine.[1] At times their multitude is so great, that, before being aroused, several hundreds are slaughtered, as game in a park. Their hide is excellent for carriage-braces, and is useful about ship. But it is principally for their ivory that these hecatombs are sacrificed. A single tooth sometimes weighs several pounds. Twenty thousand teeth, reported as an annual harvest of the Russian Company, must cost the lives of ten thousand walruses. The ivory compares with that of the elephant, and is for some purposes superior. Long ago, in the days of Saxon history, a Norwegian at the court of Alfred exhibited to the king "teeth of great price and excellencie," from what he called a "horsewhale."[2] Unquestionably, they were teeth of walrus.

I mention the sea-otter last; but in beauty and value it is the first. In these respects it far surpasses the river or land otter, which, though beautiful and valuable, must yield the palm. It has also more the manners of the seal, with the same fondness for sea-washed rocks, and a maternal affection almost human. The sea-otter seems to belong exclusively to the North Pacific. Its haunts once extended as far south as the Bay of San Francisco, but long ago it ceased to appear in that region. Cook saw it at Nootka Sound.[3] Vancouver reports in Chatham Strait an "immense number about the shores in all directions," so that "it was easily in the power of the natives to procure as many as they chose to be at the trouble of taking."[4] D'Wolf,

[1] Voyage, Vol. II. p. 458.
[2] Hakluyt (London, 1599), Vol. I. p. 5.
[3] Voyage, Vol. II. p. 295.
[4] Voyage, Vol. III. p. 294.

while at Sitka, projected an expedition to California "for the purpose of catching sea-otter, those animals being very numerous on that coast."[1] But these navigators, could they revisit this coast, would not find it in these places now. Its present zone is between the parallels of 50° and 60° north latitude, on the American and Asiatic coasts, so that its range is comparatively limited. Evidently it was Cook who first revealed the sea-otter to Englishmen. In the table of contents of his second volume are the words, "Description of a Sea-Otter," and in the text is a minute account of this animal, and especially of its incomparable fur, "certainly softer and finer than that of any others we know of." Not content with description, the famous navigator adds, in remarkable words, "Therefore the discovery of this part of the continent of North America, where so valuable an article of commerce may be met with, cannot be a matter of indifference."[2] This account stimulated the commercial enterprise of that day. Other witnesses followed. Meares, describing his voyage, placed this fur high above all other furs,—"the finest in the world, and of exceeding beauty";[3] and La Pérouse made it known in France as "the most precious and the most common peltry" of those regions.[4] Shortly afterwards all existing information with regard to it was elaborately set forth in the Historical Introduction to the Voyage of Marchand, published at Paris under the auspices of the Institute.[5]

The sea-otter was known originally to the Russians in Kamtchatka, where it was called the sea-beaver; but the discoveries of Behring constitute an epoch in the

[1] Voyage, p. 29.
[2] Voyage, Vol. II. pp. 295, 296.
[3] Voyages, Vol. II. p. 23.
[4] Voyage, Tom. II. p. 190.
[5] Tom. I. pp. lxxiii, seqq.

commerce. His shipwrecked crew, compelled to winter on the desert island now bearing his name, found this animal in flocks, ignorant of men and innocent as sheep, so that they were slaughtered without resistance, to the number of "near nine hundred."[1] Their value became known. Fabulous prices were paid by the Chinese, sometimes, according to Coxe, as high as one hundred and forty rubles.[2] At such a price a single sea-otter was more than five ounces of gold, and a flock was a gold mine. The pursuit of gold was renewed. It was the sea-otter that tempted the navigator, and subsequent enterprise was under the incentive of obtaining the precious fur. Müller, calling him a beaver, says, in his history of Russian Discovery, "The catching of beavers in those parts enticed many people to go to them, and they never returned without great quantities, which always produced large profits."[3] All that could be obtained were sent to China, which was the objective point commercially for this whole coast. The trade became a fury. The animal, with exquisite purple-black fur, appeared only to be killed, — not always without effort, for he had learned something of his huntsman, and was now coy and watchful, so that the pursuit was often an effort; but his capture was always a triumph. The natives, accustomed to his furs as clothing, now surrendered them. Sometimes a few beads were the only pay. All the navigators speak of the unequal barter, — "any sort of beads," according to Cook.[4] The story is best told by Meares: "Such as were dressed in furs instantly stripped themselves, and

[1] Müller, Voyages from Asia to America, p. 101.
[2] Russian Discoveries (3d edit.), p. 14.
[3] Voyages from Asia to America, p. 108.
[4] Voyage, Vol. II. p. 357.

in return for a moderate quantity of large spike-nails we received sixty fine sea-otter skins."[1] Vancouver describes the "humble fashion" of the natives in poor skins as a substitute for the beautiful furs appropriated by "their Russian friends."[2] The picture is completed by the Russian navigator, when he confesses, that, after the Russians had any intercourse with them, the natives ceased to wear sea-otter skins.[3] In the growing rage the sea-otter nearly disappeared. Langsdorff reports the race "nearly extirpated," since "the high price given for the skins induces the Russians, for the sake of a momentary advantage, to kill all they meet with, both old and young; nor can they see that by such a procedure they must soon be deprived of the trade entirely."[4] This was in 1805. Since then the indiscriminate massacre has been arrested.

Meanwhile our countrymen entered into this commerce, so that Russians, Englishmen, and Americans were all engaged in slaughtering sea-otters, and selling their furs to the Chinese, until the market of Canton was glutted. Lisiansky, who was there in 1806, speaks of "immense quantities imported by American ships, — during the present season no less than twenty thousand."[5] By-and-by the commerce was engrossed by the Russians and English. At length it passes into the hands of the United States, with all the other prerogatives belonging to this territory.

7. *Fisheries.* — I come now to the Fisheries, the last head of this inquiry, and not inferior to any other in

[1] Voyages, Vol. I. p. xxvii.
[2] Voyage, Vol. III. p. 151.
[3] Billings's Expedition, p. 155.
[4] Voyages and Travels, Vol. II. pp. 73, 74.
[5] Voyage, p. 281.

importance, — perhaps the most important of all. What even are sea-otter skins, by the side of that product of the sea, incalculable in amount, which contributes to the sustenance of the human family?

Here, as elsewhere, in the endeavor to estimate the resources of this region, there is vagueness and uncertainty. Information is wanting; and yet we are not entirely ignorant. Nothing is clearer than that fish in great abundance are taken everywhere on the coast, around the islands, in the bays, and throughout the adjacent seas. The evidence is constant and complete. Here are oysters, clams, crabs, and a dainty little fish of the herring tribe, called the oolachan, contributing to the luxury of the table, and so rich in its oily nature that the natives are said to use it sometimes as a "candle." In addition to these, which I name only to put aside, are those great staples of commerce and main-stays of daily subsistence, the salmon, the herring, the halibut, the cod, and, behind all, the whale. This short list is enough, for it offers a constant feast, with the whale at hand for light. Here is the best that the sea affords, for poor or rich, — for daily use, or the fast-days of the Church. Here also is a sure support, at least, to the inhabitants of the coast.

To determine the value of this supply, we must go further, and ascertain if these various tribes of fish, reputed to be in such numbers, are found under such conditions and in such places as to constitute a permanent and profitable fishery. This is the practical question, which is still undecided. It is not enough to show that the whole coast may be subsisted by its fish. It should be shown further that the fish of this coast can be made to subsist other places, so as to be-

come a valuable article of commerce. And here uncertainty begins. The proper conditions of an extensive fishery are not yet understood. It is known that certain fisheries exist in certain waters and on certain soundings, but the spaces of ocean are obscure, even to the penetrating eye of science. Fishing-banks known for ages are still in many respects a mystery, which is increased where the fishery is recent or only coastwise. There are other banks which fail from local incidents. Thus, very lately a cod-fishery was commenced on Rockall Bank, one hundred and sixty-five miles northwest of the Hebrides, but the deep rolling of the Atlantic and the intolerable weather compelled its abandonment.

Before considering the capacity of this region for an extensive fishery, it is important to know such evidence as exists with regard to the supply; and here again we must resort to the early navigators and visitors. Their evidence, reinforced by modern reports, is an essential element, even if it does not entirely determine the question.

Down to the arrival of Europeans, the natives lived on fish. This had been their constant food, with small additions from the wild vegetation. In summer it was fish freshly caught; in winter it was fish dried or preserved. At the first landing, on the discovery, Steller found in the deserted cellar "store of red salmon," and the sailors brought away "smoked fishes that appeared like large carp and tasted very well."[1] This is the earliest notice of fish on this coast, which are thus directly associated with its discovery. The next of interest is the account of a Russian navigator, in 1768–9,

[1] Müller, Voyages from Asia to America, pp. 85, 86.

[illegible] reports in the Fox Islands, and especially Oonalaska, "[illegible] plentiful smelts, roach."[1] Thus [illegible]

[illegible] we find the accustomed [illegible] with all possible [illegible] "more plentiful than [illegible] the principal sorts, in great [illegible] herring, but scarcely exceeding seven inches in length, and a smaller sort, the same with the [illegible] and now and then [illegible] spotted with white."[2] Then [illegible] reports at the same place "herrings and sardines, and small cod" — the former "not only eaten fresh, but likewise dried and smoked."[3] In Prince William Sound "the only fish got were some torsk and halibut, which they brought by the natives to sell."[4] Near Kadiak he records that "having three hours' calm, our people caught upward of a hundred halibuts, some of which weighed a hundred pounds, and none less than twenty pounds" — and he adds, naturally enough, "a very seasonable refreshment to us."[5] In Bristol Bay, on the northern side of the promontory of Alaska, he reports "tolerable success in fishing, catching cod, and now and then a few flat-fish."[6] In Norton Sound, still further north, he tells us, that, in exchange for four knives made from an old iron hoop, he obtained of the natives "near four hundred pounds weight of fish, which they had caught on this or the preceding day, — some trout, and the rest in size and taste somewhat between a mullet and a herring."[7] On returning

[1] Levasheff: Coxe's Russian Discoveries (3d edit.), p. 211.
[2] Voyage, Vol. II. p. 298.
[3] Ibid., p. 320.
[4] Ibid., p. 379.
[5] Ibid., p. 417.
[6] Ibid., p. 432.
[7] Ibid., p. 481.

southward, stopping at Oonalaska, he finds "plenty of fish, at first mostly salmon, both fresh and dried,—some of the fresh salmon in high perfection"; also "salmon trout, and once a halibut that weighed two hundred and fifty-four pounds"; and in describing the habits of the islanders, he reports that "they dry large quantities of fish in summer, which they lay up in small huts for winter use."[1] Such is the testimony of Captain Cook.

No experience on the coast is more instructive than that of Portlock, and from his report I compile a succinct diary. July 20, 1786, at Graham's Harbor, Cook's Inlet, "The Russian chief brought me as a present a quantity of fine salmon, sufficient to serve both ships for one day." July 21, "In several hauls caught about thirty salmon and a few flat-fish"; also, further, "The Russian settlement had on one side a small lake of fresh water, in which they catch plenty of fine salmon." July 22, "The boat returned deeply loaded with fine salmon." July 28, latitude 60° 9′, "Two small canoes came off from the shore; they had nothing to barter except a few dried salmon." July 30, "Plenty of excellent fresh salmon, which we obtained for beads and buttons." August 5, "Plenty of fine salmon." August 9, "The greatest abundance of fine salmon." August 13, off the entrance of Cook's Inlet, "Hereabouts would be a most desirable situation for carrying on a whale fishery, the whales being on the coast and close in shore in vast numbers, and there being convenient and excellent harbors quite handy for the business."[2] Soon after these entries the English navigator left the coast for the Sandwich Islands.

[1] Voyage, Vol. II. pp. 495, 511.

[2] Voyage, pp. 100–123.

Returning during the next year, Portlock continued to record his observations, which I abstract in brief. May 21, 1787, Port Etches, latitude 60° 21′, "The harbor affords very fine crabs and muscles." June 4, "A few Indians came alongside, bringing some halibut and cod." June 20, "Plenty of flounders; crabs now very fine; some of the people, in fishing alongside for flounders, caught several cod and halibut." June 22, "Sent the canoe out some distance into the bay, and it soon returned with a load of fine halibut and cod; this success induced me to send her out frequently with a fishing party, and they caught considerably more than what was sufficient for daily consumption." June 30, "In hauling the seine, we caught a large quantity of herrings and some salmon; the herrings, though small, were very good, and two hogsheads of them were salted for sea-store." July 7, "We daily caught large quantities of salmon, but, the unsettled state of the weather not permitting us to cure them on board, I sent the boatswain with a party on shore to build a kind of house to smoke them in." July 11, "The seine was frequently hauled, and not less than two thousand salmon were caught at each haul; the weather, however, preventing us from curing them so well as could have been wished, we kept only a sufficient quantity for present use, and let the rest escape. The salmon were now in such numbers along the shores that any quantity whatever might be caught with the greatest ease."[1] All this testimony of the English navigator is singularly explicit, while it is in complete harmony with that of the Russian visitors, and of Cook, who preceded Portlock.

The report of Meares is similar, although less minute.

[1] Voyage, pp. 229-241.

Speaking of the natives generally, he says, "They live entirely upon fish, but of all others they prefer the whale."[1] Then again, going into more detail, he says, "Vast quantities of fish are to be found, both on the coast and in the sounds or harbors. Among these are the halibut, herring, sardine, silver-bream, salmon, trout, cod, ... all of which we have seen in the possession of the natives, or have been caught by ourselves." The sardines he describes as taken in such numbers "that a whole village has not been able to cleanse them." At Nootka the salmon was "of a very delicate flavor," and "the cod taken by the natives were of the best quality."[2]

Spanish and French testimony is not wanting, although less precise. Maurelle, who was on the coast in 1779, remarks that "the fish most abundant was the salmon and a species of sole or turbot."[3] La Pérouse, who was there in 1786, mentions a large fish weighing sometimes more than a hundred pounds, and several other fish; but he preferred "the salmon and trout, which the Indians sold in larger numbers than could be consumed."[4] A similar report was made in 1791 by Marchand, who finds the sea and rivers abounding in "excellent fish," particularly salmon and trout.[5]

Meanwhile came the Russian navigator Billings, in 1790; and here we have a similar report, only different in form. Describing the natives of Oonalaska, the book in which this visit is recorded says, "They dry salmon, cod, and halibut, for a winter's supply."[6] At Kadiak it says, "Whales are in amazing numbers about

[1] Voyages, Vol. I. p. lxv.
[2] Ibid., Vol. II. pp. 29-32.
[3] La Pérouse, Voyage, Introd., Tom. I. p. 333.
[4] Voyage, Tom. II. p. 189.
[5] Voyage, Tom. I. p. 235.
[6] Expedition, p. 161.

the straits of the islands and in the vicinity of Kadiak." Then the reporter, who was the naturalist Sauer, says, "I observed the same species of salmon here as at Okhotsk, and saw crabs." Again, "The halibuts in these seas are extremely large, some weighing seventeen poods, or six hundred and twelve pounds avoirdupois. . . . . The liver of this fish, as also of cod, the natives esteem unhealthy and never eat, but extract the oil from them."[1] Then, returning to Oonalaska the next year, the naturalist says, "The other fish are halibut, cod, two or three species of salmon, and sometimes a species of salmon very common in Kamtchatka, between four and five feet long."[2]

From Lisiansky, the Russian navigator, who was on the coast in 1804, and again in 1805, I take two passages. The first relates to the fish of Sitka. "For some time," he says, "we had been able to catch no fish but the halibut. Those of this species, however, which we caught were fine, some of them weighing eighteen stone, and were of an excellent flavor. This fish abounds here from March to November, when it retires from the coast till the winter is at an end."[3] The other passage relates to the subsistence of the inhabitants during the winter. "They live," he says, "on dried salmon, train oil, and the spawn of fish, especially that of herrings, of which they always lay in a good stock."[4]

Langsdorff, who was there in 1805–6, is more full and explicit. Of Oonalaska he says: "The principal food consists of fish, sea-dogs, and the flesh of whales. Among the fish, the most common and most abundant are several sorts of salmon, cod, herrings, and holybutt.

[1] Expedition, pp. 181, 182.
[2] Ibid., p. 264.
[3] Voyage, p. 164.
[4] Ibid., p. 239.

The holybutts, which are the sort held in the highest esteem, are sometimes of an enormous size, weighing even several hundred pounds."[1] Of Kadiak he says: "The most common fish, those which, fresh and dry, constitute a principal article of food, are herrings, cod, holybutt, and several sorts of salmon; the latter come up into the bays and rivers at stated seasons and months, and are then taken in prodigious numbers by means of nets or dams."[2] Of Sitka he says: "We have several sorts of salmon, holybutt, whitings, cod, and herrings."[3] A goodly variety. The testimony of Langsdorff is confirmed in general terms by his contemporary, D'Wolf, who reports: "The waters of the neighborhood abounded with numerous and choice varieties of the finny tribe, which could be taken at all seasons of the year."[4]

Lütke, also a Russian, tells us that he found fish the standing dish at Sitka, from the humblest servant to the governor; and he mentions salmon, herring, cod, and turbot. Of salmon there were no less than four kinds, which were eaten fresh when possible, but after June they were sent to the fortress salted. The herring appeared in February and March. The cod and turbot were caught in the straits during winter.[5] Lütke also reports "fresh cod" at Kadiak.[6]

I close this abstract of foreign testimony with two English authorities often quoted. Sir Edward Belcher, while on the coast in 1837, records that "fish, halibut, and salmon of two kinds, were abundant and moderate, of which the crews purchased and cured great quanti-

[1] Voyages and Travels, Vol. II. p. 33.
[2] Ibid., p. 76.
[3] Ibid., p. 108.
[4] Voyage, p. 53.
[5] Voyage, Tom. I. p. 116.
[6] Ibid., p. 148.

ties."[1] Sir George Simpson, who was at Sitka in 1841, says: "Halibut, cod, herrings, flounders, and many other sorts of fish, are always to be had for the taking, in unlimited quantities. . . . . Salmon have been known literally to embarrass the movements of a canoe. About 100,000 of the last-mentioned fish, equivalent to 1,500 barrels, are annually salted for the use of the establishment."[2] Nothing could be stronger as statement, and, when we consider the character of its author, nothing stronger as authority.

Cumulative upon all this accumulation of testimony is that of recent visitors. Nobody visits here without testifying. The fish are so demonstrative in abundance that all remark it. Officers of the United States navy report the same fish substantially which Cook reported, as far north as the Frozen Ocean. Scientific explorers, prompted by the Smithsonian Institution, report cod in Behring Strait, on the limits of the Arctic Circle. One of these reports, that, while anchored near Oonimak, in 1865, the ship, with a couple of lines, caught "a great many fine cod, most of them between two and three feet in length." He supposes that there is no place on the coast where they are not numerous. A citizen of Massachusetts, who has recently returned from prolonged residence on this coast, writes me from Boston, under date of March 8, 1867, that "the whale and cod fisheries of the North Pacific are destined to form a very important element in the wealth of California and Washington Territory, and that already numbers of fishermen are engaged there, and more are intending to leave." From all this testimony there can

[1] Voyage, Vol. I. p. 85.
[2] Journey round the World, Vol. I. p. 227.

be but one conclusion, with regard at least to certain kinds of fish.

Salmon exists in unequalled numbers, so that this fish, so aristocratic elsewhere, becomes common. Not merely the prize of epicures, it is the food of all. Not merely the pastime of gentle natures, like Izaak Walton or Sir Humphry Davy, who employ in its pursuit an elegant leisure, its capture is the daily reward of the humblest. On Vancouver's Island it is the constant ration given out by the Hudson's Bay Company to the men in service. At Sitka ships are gratuitously supplied with it by the natives. By the side of the incalculable multitudes swarming out of the Arctic waters, haunting this extended coast, and peopling its rivers, so that at a single haul Portlock took not less than two thousand, how small an allowance are the two hundred thousand which the salmon fisheries of England annually supply!

Herring seem not less multitudinous than the salmon. Their name, derived from the German *Heer*, signifying an army, is amply verified, as on the coast of Norway they move in such hosts that a boat at times makes its way with difficulty through the compact mass. I do not speak at a venture, for I have received this incident from a scientific gentleman who witnessed it on the coast. This fish, less aristocratic than the salmon, is a universal food, but here it would seem enough for all.

The halibut, so often mentioned for size and abundance, is less generally known than the others. It is common in the fisheries of Norway, Iceland, and Greenland. In our country its reputation is local. Even at the seaport of Norfolk, in Virginia, it does not appear

to have been known before 1843, when its arrival was announced as that of a distinguished stranger: "Our market yesterday morning was enriched with a delicacy from the Northern waters, the halibut, a strange fish in these parts, known only to epicures and naturalists." The larger fish are sometimes coarse and far from delicate, but they furnish a substantial meal, while the smaller halibut is much liked.

The cod is perhaps the most generally diffused and abundant of all, for it swims in all the waters of the coast, from the Frozen Ocean to the southern limit, sometimes in immense numbers. It is a popular fish, and, when cured or salted, is an excellent food in all parts of the world. Palatable, digestible, and nutritious, the cod, as compared with other fish, is as beef compared with other meats; so that its incalculable multitudes seem to be according to a wise economy of Nature. A female cod is estimated to contain from three to nine million eggs.[1] Talk of multiplication a hundred fold, — here it is to infinity. Imagine these millions of eggs grown into fish, and then the process of reproduction repeated, and you have numbers which, like astronomical distances, are beyond human conception. But here the ravenous powers of other fish are more destructive than any efforts of the fisherman.

Behind all these is the whale, whose corporal dimensions fitly represent the space he occupies in the fisheries of the world, hardly diminished by petroleum or gas. On this extended coast and in all these seas he is at home. Here is his retreat and play-ground. This is especially the case with the right-whale, or, accord-

[1] London Philosophical Transactions, 1767, pp. 280, 291. Cuvier, Animal Kingdom, (London, 1827-35,) Vol. X. p. 508.

ing to whalers, "the *right* whale to catch," with bountiful supply of oil and bone, who is everywhere throughout this region, appearing at all points and swarming its waters. D'Wolf says, "We were frequently surrounded by them."[1] Meares says, "Abundant as the whales may be in the vicinity of Nootka, they bear no comparison to the numbers seen on the northern part of the coast."[2] At times they are very large. Kotzebue reports them at Oonalaska of fabulous proportions, called by the natives *Aliamak*, and so long "that the people engaged at the opposite ends of the fish must halloo very loud to be able to understand each other."[3] Another whale, known as the bow-head, is so much about Kadiak that it is sometimes called the Kadiak whale. The valuable sperm-whale, whose head and hunch are so productive in spermaceti, belongs to a milder sea, but he sometimes strays to the Aleutians. The narwhal, with his long tusk of ivory, out of which was made the famous throne of the early Danish kings, belongs to the Frozen Ocean; but he, too, strays into the straits below. As no sea is now *mare clausum*, all these may be pursued by a ship under any flag, except directly on the coast and within its territorial limit. And yet the possession of this coast as a commercial base must necessarily give to its people peculiar advantages in the pursuit. What is done now under difficulties will be done then with facilities, such at least as neighborhood supplied to the natives even with their small craft.

In our country the whale fishery has been a great and prosperous commerce, counted by millions. It has

[1] Voyage, p. 63.
[2] Voyages, Vol. II. p. 23.
[3] Voyage, Vol. I. p. 264.

yielded considerable gains, and sometimes large fortunes. The town of New Bedford, one of the most beautiful in the world, has been enriched by this fishery. And yet you cannot fail to remark the impediments which the business has been compelled to overcome. The ship was fitted on the Atlantic coast for a voyage of two or three years, and all the crew entered into partnership with regard to the oil. Traversing two oceans, separated by a stormy cape, it reaches at last its distant destination in these northern seas, and commences its tardy work, interrupted by occasional rest and opportunity to refit at the Sandwich Islands. This now will be changed, as the ship sallies forth from friendly harbors near the game which is its mighty chase.

From the whale fishery I turn to another branch of inquiry. Undoubtedly there are infinite numbers of fish on the coast; but to determine whether they can constitute a permanent and profitable fishery, there are at least three different considerations which must not be disregarded: (1.) The existence of banks or soundings; (2.) Proper climatic conditions for catching and curing fish; (3.) A market.

(1.) The *necessity of banks or soundings* is according to reason. Fish are not caught in the deep ocean. It is their nature to seek the bottom, where they are found in some way by the fisherman, armed with trawl, seine, or hook. As among the ancient Romans private luxury provided tanks and ponds for the preservation of fish, so Nature provides banks, which are immense fish-preserves. Soundings attest their existence in a margin along the coast; but it becomes important to know if they actually exist to much extent away from the coast.

On this point our information is already considerable, if not decisive.

The Sea and Strait of Behring, as far as the Frozen Ocean, have been surveyed by a naval expedition of the United States under Commander John Rodgers. From one of his charts, now before me, it appears, that, beginning at the Frozen Ocean and descending through Behring Strait and Behring Sea, embracing Kotzebue Sound, Norton Bay, and Bristol Bay, to the peninsula of Alaska, a distance of more than twelve degrees, there are constant uninterrupted soundings from twenty to fifty fathoms, — thus presenting an immense extent proper for fishery. South of the peninsula of Alaska another chart shows soundings along the coast, with a considerable extent of bank in the neighborhood of the Shumagins and Kadiak, being precisely where other evidence points to the existence of cod. These banks, north and south of Alaska, taken together, according to indications of the two charts, have an extent unsurpassed by any in the world.

There is another illustration full of instruction. It is a map of the world, in the new work of Murray on "The Geographical Distribution of Mammals," "showing approximately the one hundred fathom line of soundings," prepared from information furnished by the Hydrographic Department of the British Admiralty. Here are all the soundings of the world. At a glance you discern the remarkable line on the Pacific coast, beginning at 40° of north latitude, and constantly receding from the shore in a northwesterly direction; then, with a gentle sweep, stretching from Sitka to the Aleutians, which it envelops with a wide margin; and, finally, embracing and covering Behring Strait to the

Frozen Ocean: the whole space, as indicated on the map, seeming like an immense unbroken sea-meadow adjoining the land, and constituting plainly the largest extent of soundings in length and breadth in the known world, — larger even than those of Newfoundland added to those of Great Britain. This map, prepared by scientific authority, in the interest of science, is an unimpeachable and disinterested witness.

Actual experience is better authority still. I learn that the people of California have already found cod-banks in these seas, and have begun to gather a harvest. Distance was no impediment; for they were already accustomed to the Sea of Okhotsk, on the Asiatic coast. In 1866 no less than seventeen vessels left San Francisco for cod-fishery in the latter region. This was a long voyage, requiring eighty days in going and returning. On the way better grounds were discovered among the Aleutians, with better fish; and then again, other fishing-grounds, better in every way, were discovered south of Alaska, in the neighborhood of the Shumagins, with an excellent harbor at hand. Here one vessel began its work on the 14th of May, and, notwithstanding stormy weather, finished it on the 24th of July, having taken 52,000 fish. The largest catch in a single day was 2,300. The average weight of the fish dried was three pounds. Old fishermen compared the fish in quality and method of taking with those of Newfoundland. Large profits are anticipated. While fish from the Atlantic side bring at San Francisco not less than twelve cents a pound, it is supposed that Shumagin fish at only eight cents a pound will yield a better return than the coasting-trade. These flattering reports have arrested the attention of Petermann, the indefati-

gable geographical observer, who recounts them in his journal.[1]

From an opposite quarter is other confirmation. Here is a letter, which I have just received from Charles Bryant, Esq., at present a member of the Massachusetts Legislature, but for eighteen years acquainted with these seas, where he was engaged in the whale fishery. After mentioning the timber at certain places as a reason for the acquisition of these possessions, he says: —

"But the chiefest value — and this alone is worth more than the pittance asked for it — consists in its extensive cod and halibut fish-grounds. To the eastward of Kadiak, or the Aleutian Islands, are extensive banks, or shoals, nearly, if not quite, equal in extent to those of Newfoundland, and as well stocked with fish. Also west of the Aleutian Islands, which extend from Alaska southwest half-way to Kamtchatka, and inclosing that part of land laid down as Bristol Bay, and west of it, is an extensive area of sea, varying from forty fathoms in depth to twenty, where I have found the supply of codfish and halibut unfailing. These islands furnish good harbors for curing and preparing fish, as well as shelter in storm."

In another letter Mr. Bryant says that the shoals east of the entrance to Cook's Inlet widen as they extend southward to latitude 50°; and that there are also large shoals south of Prince William Sound, and again off Cross Sound and Sitka. The retired ship-master adds, that he never examined these shoals to ascertain their exact limit, but only incidentally, in the course of his regular business, that he might know when and where to obtain fish, if he wished them. His report goes beyond any chart of soundings I have seen, although, as

[1] Geographische Mittheilungen, 1867, p. 120.

far as they go, the charts are coincident. Cook particularly notices soundings in Bristol Bay, and in various places along the coast. Other navigators have done the same. Careful surveys have accomplished so much that at this time the bottom of Behring Sea and of Behring Strait, as far as the Frozen Ocean, constituting one immense bank, is completely known in depth and character.

Add to all this the official report of Mr. Giddings, acting surveyor-general of Washington Territory, made to the Secretary of the Interior in 1865, where he says: —

"Along the coast, between Cape Flattery and Sitka, in the Russian possessions, both cod and halibut are very plenty, and of a much larger size than those taken at the Cape, or further up the Straits and Sound. No one, who knows these facts, for a moment doubts but that, if vessels similar to those used by the Bank fishermen that sail from Massachusetts and Maine were fitted out here, and were to fish on *the various banks along this coast*, it would even now be a most lucrative business. . . . . The cod and halibut on this coast, up near Sitka, are fully equal to the largest taken in the Eastern waters."[1]

From this concurring evidence, including charts and personal experience, it is easy to see that the first condition of a considerable fishery is not wanting.

(2.) *Climatic conditions* must exist also. The proverbial hardihood of fishermen has limits. Elsewhere weather and storm have compelled the abandonment of banks which promised to be profitable. On a portion of this coast there can be no such rigors. South of Alaska and the Aleutians, and also in Bristol Bay, im-

[1] Executive Documents, 39th Cong. 1st Sess., H. of R., No. 1, Vol. 2, p. 161.

mediately to the north of the peninsula of Alaska, the fishing-grounds will compare in temperature with those of Newfoundland or Norway. It is more important to know if the fish, when taken, can be properly cured. This is one of the privileges of northern skies. Within the tropics fish may be taken in abundance, but the constant sun does not allow their preservation. The constant rains of Sitka, with only a few bright days in the year, must prevent the work of curing on any considerable scale. But the navigators make frequent mention of dry or preserved fish on the coast, and it is understood that fish are now cured at Kadiak. "Dried fish" from this island is described by D'Wolf.[1] For a long time it was customary there to dry seal flesh in the air, which could not be done on the main-land. Thus the opportunity of curing the fish seems to exist near the very banks where they are taken, or Fuca Straits may be a "half-way house" for this purpose. The California fishermen carry their fish home to be cured, in which they imitate the fishermen of Gloucester. As the yearly fishing product of this port is larger than that of any other in North America, perhaps in the world, this example cannot be without weight.

(3.) The *market* also is of prime necessity. Fish are not caught and cured except for a market. Besides the extended coast, where an immediate demand must always prevail in proportion to increasing population, there is an existing market in California, amply attested by long voyages to Kamtchatka for fish, and by recent attempts to find fishing-grounds. San Francisco at one time took from Okhotsk nine hundred tons of fish, being about one eighth of the yearly fishing product of

[1] Voyage, p. 50.

Gloucester. Her fishing-vessels last year brought home from all quarters fifteen hundred tons of dried fish and ten thousand gallons of cod-liver oil. There is also a growing market in Washington and Oregon. But beyond the domestic market, spreading from the coast into the interior, there will be a foreign market of no limited amount. Mexico, Central America, and the States of South America, all Catholic in religion, will require this subsistence, and, being southern in climate, they must look northward for a supply. The two best customers of our Atlantic fisheries are Hayti and Cuba, Catholic countries under a southern sun. The fishermen of Massachusetts began at an early day to send cod to Portugal, Spain, and Italy, all Catholic countries under a southern sun. Our "salt fish" became popular. The Portuguese minister at London in 1785, in a conference with Mr. Adams on a commercial treaty with the United States, mentioned "salt fish" among the objects most needed in his country, and added, that "the consumption of this article in Portugal was immense, and he would avow that the American salt fish was preferred to any other, on account of its quality."[1] Such facts are more than curious.

But more important than the Pacific States of the American continent are the great empires of Japan and China, with uncounted populations depending much on fish. In China one tenth subsist on fish. Notwithstanding the considerable supplies at home, it does not seem impossible for an energetic and commercial people to find a market here of inconceivable magnitude, dwarfing the original fur-trade with China, once so tempting.

[1] John Adams to Secretary Jay, November 5, 1785: Works, Vol. VIII. p. 339.

From this survey you can all judge the question of the fisheries, which I only state, without assuming to determine. You can judge if well-stocked fishing-banks have been found under such conditions of climate and market as to supply a new and important fishery. Already the people of California have anticipated the answer, and their enterprise has arrested attention in Europe. The journal of Petermann, the "Geographische Mittheilungen," for the present year, which is the authentic German record of geographical science, borrows from a San Francisco paper to announce these successful voyages as the beginning of a new commerce. If this be so, as there is reason to believe, these coasts and seas will have unprecedented value. The future only can disclose the form they may take. They may be a Newfoundland, a Norway, a Scotland, or perhaps a New England, with another Gloucester and another New Bedford.

INFLUENCE OF FISHERIES.

An eminent French writer, an enthusiast on fishes, Lacepède, has depicted the influence of fisheries, which he illustrates by the herring, calling it "one of those natural products whose use decides the destiny of empires."[1] Without adopting these strong words, it is easy to see that such fisheries as seem about to be opened on the Pacific must exercise a wonderful influence over the population there, while they give a new spring to commerce, and enlarge the national resources. In these aspects it is impossible to exaggerate. Fishermen are not as other men. They have a character of their own, taking complexion from their life. In

[1] Histoire Naturelle des Poissons, Tom. V. p. 429.

ancient Rome they had a peculiar holiday, with games, known as *Piscatorii Ludi.* The first among us in this pursuit were the Pilgrims, who, even before they left Leyden, looked to fishing for support in their new home, giving occasion to the remark of King James: "So God have my soul, 't is an honest trade; 't was the Apostles' own calling."[1] As soon as they reached Plymouth they began to fish, and afterwards appropriated the profits of the fisheries at Cape Cod to found a free school. From this Pilgrim origin are derived those fisheries which for a while were our chief commerce, and still continue an important element of national wealth. The cod fisheries of the United States are now valued at more than two million dollars annually. Such an interest must be felt far and near, commercially and financially, while it contributes to the comfort of all. How soon it may prevail on the Pacific who can say? But this treaty is the beginning.

It is difficult to estimate what is so uncertain, or at least is prospective only. Our own fisheries, now so considerable, were small in the beginning; they were small, even when they inspired the eloquence of Burke, in that most splendid page never equalled even by himself.[2] But the Continental Congress, in its original instructions to its commissioners for the negotiation of treaties of peace and commerce with Great Britain, required, as a fundamental condition, next to independence, that these fisheries should be preserved unimpaired. While the proposition was under discussion, Elbridge Gerry, who had grown up among the fisher-

[1] Winslow's Brief Narration: Young's Chronicles of the Pilgrims, p. 383.

[2] Speech on Conciliation with America, March 22, 1775: Works (Boston, 1865-67), Vol. II. pp. 116-118.

men of Massachusetts, repelled the attack upon their pursuit in words which are not out of place here. "It is not so much fishing," he said, "as enterprise, industry, and employment. It is not fish merely; it is gold, the produce of that avocation. It is the employment of those who would otherwise be idle, the food of those who would otherwise be hungry, the wealth of those who would otherwise be poor."[1] After debate, it was resolved by Congress that "the common right of fishing should in no case be given up."[2] For this principle the eldest Adams contended with ability and constancy until it was fixed in the treaty of peace, where it stands side by side with the acknowledgment of independence.

In the discussions which ended thus triumphantly, the argument for the fisheries was stated most compactly by Ralph Izard, of South Carolina, in a letter to John Adams, dated at Paris, 24th September, 1778; and this early voice from South Carolina may be repeated now.

"Since the advantages of commerce have been well understood, the fisheries have been looked upon by the naval powers of Europe as an object of the greatest importance. The French have been increasing their fishery ever since the Treaty of Utrecht, which has enabled them to rival Great Britain at sea. The fisheries of Holland were not only the first rise of the Republic, but have been the constant support of all her commerce and navigation. This branch of trade is of such concern to the Dutch that in their public prayers they are said to request the Supreme Being 'that it would please Him to bless the Government, the Lords, the

[1] Austin's Life of Gerry, Vol. I. p. 289.
[2] Secret Journals, Vol. II. pp. 161, 230.

States, and also their fisheries.' The fishery of Newfoundland appears to me to be a mine of infinitely greater value than Mexico and Peru. It enriches the proprietors, is worked at less expense, and is the source of naval strength and protection."[1]

Captain Smith, the adventurous founder and deliverer of the colony of Virginia, when appealing to Englishmen at home in behalf of the feeble New England settlements, especially dwells upon the fisheries. "Therefore," he concludes, "honourable and worthy Country men, let not the meannesse of the word fish distaste you, for it will afford as good gold as the Mines of *Guiana* or *Potassie*, with lesse hazard and charge, and more certainty and facility."[2] Doubtless for a long time the neighboring fish-banks were the gold-mines of New England.

I have grouped these allusions that you may see how the fisheries of that day, though comparatively small, enlisted the energies of our fathers. Tradition confirms the record. The sculptured image of a cod pendent from the ceiling in the hall of the Massachusetts House of Representatives, where it was placed during the last century, constantly recalls this industrial and commercial staple, with the great part it performed. And now it is my duty to remind you that these fisheries, guarded so watchfully and vindicated with such conquering zeal, had a value prospective rather than present, or at least small compared with what it is now. Exact figures, covering the ten years between 1765 and 1775, show that during this period

[1] Works of John Adams, Vol. VII. pp. 45, 46.

[2] The Generall Historie of Virginia, New-England, and the Summer Isles, (London, 1626,) p. 248.

Massachusetts employed annually in the fisheries 665 vessels, measuring 25,630 tons, with only 4,405 men.[1] In contrast with this interest, which seems so small, although at the time considerable, are the present fisheries of our country; and here again we have exact figures. The number of vessels in the cod fishery alone, in 1861, just before the blight of war reached this business, was 2,753, measuring 137,665 tons, with 19,271 men, — being more than four times as many vessels and men, and more than five times as much tonnage, as for ten years preceding the Revolution were employed annually by Massachusetts, representing at that time the fishing interest of the country.

Small beginnings, therefore, are no discouragement; I turn with confidence to the future. Already the local fisheries on this coast have developed among the generations of natives a singular gift in building and managing their small craft so as to excite the frequent admiration of voyagers. The larger fisheries there will naturally exercise a corresponding influence on the population destined to build and manage the larger craft. The beautiful baidar will give way to the fishing-smack, the clipper, and the steamer. All things will be changed in form and proportion; but the original aptitude for the sea will remain. A practical race of intrepid navigators will swarm the coast, ready for any enterprise of business or patriotism. Commerce will find new arms, the country new defenders, the national flag new hands to bear it aloft.

[1] Sabine, Report on the Fisheries, p. 174.

SUMMARY.

MR. PRESIDENT, — I now conclude this examination. From a review of the origin of the treaty, and the general considerations with regard to it, we have passed to an examination of these possessions under different heads, in order to arrive at a knowledge of their character and value. And here we have noticed the existing government, which was found to be nothing but a fur company, whose only object is trade; then the population, where a very few Russians and Creoles are a scanty fringe to the aboriginal races; then the climate, a ruling influence, with its thermal current of ocean and its eccentric isothermal line, by which the rigors of the coast are tempered to a mildness unknown in the same latitude on the Atlantic side; then the vegetable products, so far as observed, chief among which are forests of pine and fir waiting for the axe; then the mineral products, among which are coal and copper, if not iron, silver, lead, and gold, besides the two great products of New England, "granite and ice"; then the furs, including precious skins of the black fox and sea-otter, which originally tempted the settlement, and remain to this day the exclusive object of pursuit; and, lastly, the fisheries, which, in waters superabundant with animal life beyond any of the globe, seem to promise a new commerce. All these I have presented plainly and impartially, exhibiting my authorities as I proceeded. I have done little more than hold the scales. If these incline on either side, it is because reason or testimony on that side is the weightier.

WHAT REMAINS TO BE DONE.

As these extensive possessions, constituting a corner of the continent, pass from the imperial government of Russia, they will naturally receive a new name. They will be no longer Russian America. How shall they be called? Clearly, any name borrowed from classical antiquity or from individual invention will be little better than misnomer or nickname unworthy of the historic occasion. Even if taken from our own annals, it will be of doubtful taste. The name should come from the country itself. It should be indigenous, aboriginal, one of the autochthons of the soil. Happily such a name exists, as proper in sound as in origin. It appears from the report of Cook, the illustrious navigator, to whom I have so often referred, that the euphonious designation now applied to the peninsula which is the continental link of the Aleutian chain was the sole word used originally by the native islanders, "when speaking of the American continent in general, which they knew perfectly well to be a great land."[1] It only remains, that, following these natives, whose places are now ours, we, too, should call this "great land" Alaska.[2]

[1] Voyage, Vol. II. pp. 505, 506, October, 1778.

[2] The word Alaska was not improved when spelt Alas*h*ka, and the dropping of the letter *h* in Oona*laska* seemed to show the better and more natural spelling. The following communication, more than a year after the Speech, was in answer to an inquiry about the spelling with an *i*, as Al*i*aska, which was adopted by several journals.

"SENATE CHAMBER, May 8, 1868.

"DEAR MR. BARNEY, — I have your note of the 8th in reference to the spelling of Alaska.

"I think 'Aliaska' is a mistake, for which the Coast Survey, in the first map of this country, are partly responsible. On inquiry, I found there was no particular

Another change should be made. As the settlements of this coast came eastward from Russia, bringing with the Russian flag Western time, the day is earlier by twenty-four hours with them than with us, so that their Sunday is our Saturday, and the other days of the week are in corresponding discord. This must be rectified according to the national meridian, so that there shall be the same Sunday for all, and the other days of the week shall be in corresponding harmony. Important changes must follow, of which this is typical. All else must be rectified according to the national meridian, so that within the sphere of our common country there shall be everywhere the same generous rule and one prevailing harmony. Of course, the unreformed Julian calendar, received from Russia, will give place to ours, — Old Style yielding to New Style.

authority for this spelling, and at my suggestion it was altered to Alaska in a subsequent edition.

"When called to consider the purchase of this territory, I found that it had the general name of 'Russian Possessions in America,' or 'Russian America.' In the event of transfer to the United States, this was evidently improper. Looking for a name, my attention was arrested by the designation of the promontory stretching to the Aleutian Islands, called by Captain Cook, the first Englishman who visited the region, Alaska, without an *i*, as the large and neighboring island was called Oona*laska*. This is the first time, so far as I am aware, that the name appears. Though at a later day it was sometimes written 'Aliaska,' it seemed to me that the earlier designation was historically more just, while in itself a better word. On this account, at the close of my speech I ventured to propose it as a name for the whole country.

"While I was doing this in Washington, General Halleck, in San Francisco, was writing an elaborate letter to the Government about the new territory, in which he proposed the same name, with, as I understand, the same spelling.

"Yours truly,

"CHARLES SUMNER.

"HON. HIRAM BARNEY, New York."

A new edition of the map appeared with the pamphlet edition of the Speech, on which Mr. Hilgard, of the Coast Survey, in a letter dated May 25th, wrote to Mr. Sumner: —

"As this edition will make its first appearance appended to your speech, I have ventured to put on it the name Alaska, proposed by you, as I have no doubt it will be generally adopted."

An object of immediate practical interest will be the survey of the extended and indented coast by our own officers, bringing it all within the domain of science, and assuring to navigation much-needed assistance, while the Republic is honored by a continuation of national charts, where execution vies with science, and the art of engraving is the beautiful handmaid. Associated with this survey, and scarcely inferior in value, will be the examination of the country by scientific explorers, so that its geological structure may become known, with its various products, vegetable and mineral. But your best work and most important endowment will be the Republican Government, which, looking to a long future, you will organize, with schools free to all, and with equal laws, before which every citizen will stand erect in the consciousness of manhood. Here will be a motive power without which coal itself is insufficient. Here will be a source of wealth more inexhaustible than any fisheries. Bestow such a government, and you will give what is better than all you can receive, whether quintals of fish, sands of gold, choicest fur, or most beautiful ivory.

PRECAUTION AGAINST THE PRESIDENT.

REMARKS IN THE SENATE, ON A RESOLUTION ASKING FOR COPIES OF OPINIONS WITH REGARD TO THE TENURE-OF-OFFICE LAW AND APPOINTMENTS DURING THE RECESS OF CONGRESS, APRIL 11, 1867.

MR. SUMNER moved the following resolution, and asked its immediate consideration: —

"*Resolved*, That the President of the United States be requested to furnish to the Senate, if in his opinion not incompatible with the public interests, copies of any official opinions which may have been given by the Attorney-General, the Solicitor of the Treasury, or by any other officer of the Government, on the interpretation of the Act of Congress regulating the tenure of offices, and especially with regard to appointments by the President during the recess of Congress."

There being no objection, the Senate proceeded to consider the resolution. Mr. Sumner said: —

BEFORE the vote is taken, allow me to make a statement. I understand that opinions have been given by one or more officers of the Government which go far to nullify a recent Act of Congress. In short, it seems as if we are to have Nullification here in Washington in the Executive branch of the Government. According to these opinions, the President, I understand, is to exercise a power of appointment during the recess of Congress, notwithstanding the recent Act which undertakes to regulate the tenure of office.

We all know the astuteness of lawyers. It is a proverb. And it is sometimes said that a lawyer may drive a coach-and-six through an Act of Parliament, or even an Act of Congress. The Administration is now about to drive its coach-and-six through our recent legislation. In other words, it is about to force upon the country officers who cannot be officers according to existing law. It seems to me, that, before we adjourn, we should know the precise state of this question. We should understand if any such opinion has been given, and the reasons for it. It is on this account that I have introduced the resolution now before the Senate.

The resolution was adopted.

FINISH OUR WORK BEFORE ADJOURNMENT.

REMARKS IN THE SENATE, ON A MOTION TO ADJOURN WITHOUT DAY, APRIL 11 AND 12, 1867.

ON the day after the adjournment of Congress the Senate was convened for the transaction of Executive business. Treaties and nominations were laid before it.

April 11th, on motion of Mr. Williams, of Oregon, the Senate considered a resolution for adjournment *sine die* "the 13th instant." Debate ensued. Mr. Reverdy Johnson, of Maryland, said: "We can fix the adjournment to-morrow or next day." Mr. Trumbull, of Illinois, said: "Let us fix it to-day." Mr. Sumner said: —

I DO not think we can fix it to-day, and, further, I do not think we ought to fix it to-day. It seems to me the calendar should be cleared before we talk of going home.

A Senator exclaims, "Wait until we get through." So I say. Senators are perfectly aware, that, owing to an interpretation recently put by the Executive upon the Tenure-of-Office Bill, there is an increased necessity for our staying. We have passed a law. We should see to its enforcement. At any rate, we should manifest coöperation with the Executive, so that there shall be no excuse for setting it aside. I do not admit that he can in any way set it aside; but I wish to do everything that can be done to prevent him from un-

dertaking to set it aside. We ought to stay until our work is fully done. There can be no excuse for going home while any part of the Executive business remains unfinished. Other Congresses have stayed here till midsummer, and even into the month of September. If the necessities of the country require it, I see no reason why we should not stay till then.

April 12th, the subject was resumed, when Mr. Sumner said: —

I WILL say, that, just in proportion as we draw to the close of our business, we shall be better prepared to determine when we can adjourn finally. As we have not drawn to the close, I submit we are not in a condition to fix the day. That time may come; but I may remind the Senate that there is in Executive session unfinished business beyond what we had reason to expect. I say "reason to expect," because it is well known that there are many offices still unfilled; and it is our duty, before we leave, so far as it depends upon us, to see that they are filled.

. . . . .

We should stay, it seems to me, until the offices are filled, rejecting nominations that are bad and confirming the good, — doing, in short, all we can, as a Senate, to secure good officers, and I insist, also, officers on the right side, who agree with Congress, and will sustain the policy which Congress has declared.

The resolution was amended so as to make the adjournment 16th April, and then adopted, — Yeas 26, Nays 11, — Mr. Sumner voting in the negative. The time was afterwards extended, on motion of Mr. Sumner, to 20th April, when the Senate adjourned without day.

MEDIATION BETWEEN CONTENDING PARTIES IN MEXICO.

RESOLUTION IN THE SENATE, PROPOSING THE GOOD OFFICES OF THE UNITED STATES, APRIL 20, 1867.

RESOLUTION proposing the good offices of the United States between the contending parties of Mexico.

WHEREAS the Republic of Mexico, though relieved from the presence of a foreign enemy by the final withdrawal of the French troops, continues to be convulsed by a bloody civil war, in which Mexicans are ranged on opposite sides;

And whereas the United States are bound by neighborhood and republican sympathies to do all in their power for the welfare of the Mexican people, and this obligation becomes more urgent from the present condition of affairs, where each party is embittered by protracted conflict: Therefore,

Be it resolved, That it is proper for the Government of the United States, acting in the interest of humanity and civilization, to tender its good offices by way of mediation between the contending parties of the Republic of Mexico, in order to avert a deplorable civil war, and to obtain the establishment of republican government on a foundation of peace and security.

This was offered on the last day of the session. It was printed and laid on the table. Other resolutions on the same subject were offered by Mr. Henderson, of Missouri, and Mr. Reverdy Johnson, of Maryland.

EQUAL SUFFRAGE AT ONCE BY ACT OF CONGRESS RATHER THAN CONSTITUTIONAL AMENDMENT.

LETTER TO THE NEW YORK INDEPENDENT, APRIL 20, 1867.

SENATE CHAMBER, April 20, 1867.

MY DEAR SIR, — You wish to have the North "reconstructed," so at least that it shall cease to deny the elective franchise on account of color. But you postpone the day by insisting on the preliminary of a Constitutional Amendment. I know your vows to the good cause; but I ask you to make haste. We cannot wait.

Of course, we can always wait for the needful processes; but there are present reasons why we should allow no time to be lost. *This question must be settled forthwith:* in other words, it must be settled before the Presidential election, now at hand. Our colored fellow-citizens at the South are already electors. They will vote at the Presidential election. But why should they vote at the South, and not at the North? The rule of justice is the same for both. Their votes are needed at the North as well as the South. There are Northern States where their votes can make the good cause safe beyond question. There are other States where their votes will be like the last preponderant weight in the nicely balanced scales. Let our colored

fellow-citizens vote in Maryland, and that State, now so severely tried, will be fixed for Human Rights forever. Let them vote in Pennsylvania, and you will give more than twenty thousand votes to the Republican cause. Let them vote in New York, and the scales, which hang so doubtful, will incline to the Republican side. It will be the same in Connecticut. I mention these by way of example. But everywhere the old Proslavery party will kick the beam. Let all this be done, I say, before the next Presidential election.

Among the proposed ways is a new Constitutional Amendment. But this is too dilatory. It cannot become operative till after the Presidential election. Besides, it is needless. Instead of amending the Constitution, read it.

Another way is by moving each State, and obtaining through local legislation what is essentially *a right of citizenship*. But this again is too dilatory, while it turns each State into a political maelström, and submits a question of *National* interest to the chances of local controversy and the timidity of local politicians. This will not do. Emancipation was a National act, proceeding from the National Government, and applicable to all the States. Enfranchisement, which is the corollary and complement of Emancipation, must be a National act also, proceeding from the National Government, and applicable to all the States. If left to the States individually, the result, besides being tardy, will be uncertain and fragmentary.

There is another way, at once prompt, energetic, and comprehensive. It is by Act of Congress, adopted by a majority of two thirds, in spite of Presidential veto.

The time has passed when this power can be questioned. Congress has already exercised it in the Rebel States. I do not forget its hesitations. Only a year ago, when I insisted that it must do so, and introduced a bill to this effect, I was answered that a Constitutional Amendment was needed, and I was voted down. A change came, and in a happy moment Congress exercised the power. What patriot questions it now? But the power is unquestionable in the other States also. It concerns the rights of citizenship, and this subject is as essentially national as the army or the navy.

Even without either of the recent Constitutional Amendments, I am at a loss to understand how a denial of the elective franchise simply on account of color can be otherwise than unconstitutional. I cannot see how, under a National Constitution which does not contain the word "white" or "black," there can be any exclusion on account of color. There is no such exclusion in the Constitution. Out of what text is this oligarchical pretension derived? But, putting aside this question, which will be clearer to the jurists of the next generation than to us, I vouch the authoritative words of the National Constitution, making it our duty to guaranty a republican form of government in the States. Now the greatest victory of the war, to which all other victories, whether in Congress or on the bloody field, were only tributary, was the definition of a republican government according to the principles of the Declaration of Independence. A government which denies the elective franchise on account of color, or, in other words, sets up any "qualifications" of voters in their nature insurmountable, cannot be re-

publican; for the first principle in a republican government is Equality of Rights, according to the principles of the Declaration of Independence. And this definition, I insist, is the crowning glory of the war which beat down Rebellion under its feet. It only remains for Congress to enforce it by appropriate legislation.

There are two recent Constitutional Amendments, each of which furnishes ample and cumulative power.

There is, first, the Amendment abolishing Slavery, with its clause conferring on Congress the power to enforce it by appropriate legislation, in pursuance of which Congress has already passed the Civil Rights Act, which is applicable to the North as well as the South. Clearly, and most obviously beyond all question, if it can pass a Civil Rights Act, it can also pass a Political Rights Act; for each is appropriate to enforce the abolition of Slavery, and to complete this work. Without it the work is only half done.

There is yet another Amendment, recently adopted by three fourths of the loyal States, which is itself an abundant source of power. After declaring that all persons born or naturalized in the United States and subject to the jurisdiction thereof are "citizens," this Amendment proceeds to provide that "no State shall make or enforce any law which shall abridge the privileges or immunities of *citizens* of the United States"; and Congress is empowered to enforce this provision by appropriate legislation. Nothing can be plainer than this.

Here, then, are three different sources of power in the Constitution itself, each sufficient, the three together three times sufficient, — each exuberant and overflowing, the three together three times exuberant and overflowing. How, in the face of these provisions, any

person can doubt the power of Congress I cannot understand. But, alas! there are doubters always.

I have already sent you a copy of my bill to settle this question by what I call "the short cut." Give us your vote. Of course, you will. Believe me, my dear Sir,

Very faithfully yours,

CHARLES SUMNER.

THEODORE TILTON, Esq.

This was followed by an editorial article sustaining and vindicating Mr. Sumner's bill. It began: —

"Yes. Mr. Sumner has our vote. He has always had it; he is always likely to have it. 'How did Roger Sherman vote?' asked our forefathers. They believed it was safe to vote with Roger Sherman. It is just as safe to vote with Charles Sumner."

After explanation and argument, the article proceeds: —

"Not only is Mr. Sumner right as to the power of Congress in the present case, but long ago he was right as to the power of Congress to govern the unconstitutional States as conquered provinces. He then stood almost alone in the Senate in an opinion which he has since seen adopted by his brother Senators. We trust his compeers will agree to his present bill. We happen to know that Thaddeus Stevens — who, even when sick, is more well than most men — is preparing, on his sick-bed, an argument in support of Mr. Sumner's plan. We happen to know, also, that Chief Justice Chase agrees with Mr. Sumner's view."

CELEBRATION AT ARLINGTON, ON ASSUMING ITS NEW NAME.

SPEECH AT A DINNER IN A TENT, JUNE 17, 1867.

WEST CAMBRIDGE, originally part of Cambridge, Massachusetts, assumed the name of Arlington, with the consent of the Legislature. The change was celebrated in the town by a public dinner in a tent.

MR. PRESIDENT AND FELLOW-CITIZENS OF ARLINGTON: —

IN looking around me on this beautiful scene of hospitality, I am reminded of that doge of Genoa, who, finding himself amid the splendors of Versailles, in its incomparable palace, and being asked what about him caused the most surprise, replied, "To find myself here." And so to me, coming from other scenes, and for many years absolutely unused to such occasions, this spectacle is strange. But it is not less welcome because strange.

Coming here to take part in this interesting celebration, I am not insensible to the kindness of good friends among you, through whom the invitation was received. But I confess a neighborly interest in your festival. Born in Boston, and educated in Cambridge, I am one of your neighbors. Accept, then, if you please, the sympathies of a neighbor on this occasion.

Yours is not a large town; nor has it any extended

history. But what it wants in size and history it makes up in beauty. Yours is a beautiful town. I know nothing among the exquisite surroundings of Boston more charming than these slopes and meadows, with background of hills and gleam of water. The elements of beauty are all here. Hills are always beautiful; so is water. I remember hearing a woman of genius, Mrs. Fanny Kemble, say more than once, that water in a landscape is "like eyes in the human countenance," without which the countenance is lifeless. But water gleams, shines, sparkles in your landscape. Here the water-nymphs might find a home. Gardens, beautiful to the eye and bountiful in nourishing and luscious supplies, are also yours. Surely it may be said of those who live here, that their lines have fallen in a pleasant place.

I go too far, when I suggest that you are without a history. West Cambridge was part of that historic Cambridge so early famous in our country, the seat of learning and the home of patriotism. The honor of Cambridge is yours. West Cambridge adjoins Lexington, and was in the war-path of the British soldiers on that 19th of April, which, perhaps, as much as any day after the landing of the Pilgrim Fathers, determined the fortunes of this continent. The shots of Concord and Lexington were heard here before their echoes began the tour of the globe. Shots from here followed, and your beautiful fields bore testimony in blood. The road from Concord was a prolonged battle-ground, on which British troops fell; there were patriots, also, who fell.

Then came the Battle of Bunker Hill, on the very day we now celebrate, followed soon by the arrival of

Washington, who, on the 3d day of July, 1775, drew his sword as Commander-in-Chief under the well-known elm of Cambridge Common. Do not forget that you were of Cambridge then. The first duty of the new commander-in-chief was to inspect his forces. The mass of the British army, amounting to 11,500 men, occupied Bunker Hill and Boston Neck, while their general with his light horse was in Boston. The Patriot forces, amounting to about 16,000 men, were so posted as to form a complete line around Boston and Charlestown, from Mystic River to Dorchester, nearly twelve miles in circuit. Regiments from New Hampshire, Rhode Island, and Connecticut occupied Winter Hill and Prospect Hill, where it is easy still to recognize their earthworks; several of the Massachusetts regiments were at Cambridge; and others from Connecticut and Massachusetts covered the high grounds of Roxbury. This was the Siege of Boston. With all these preparations, Washington was still provident of the future. And here commences an association with the hills about your town, which must be my justification for these details.

Many years ago, when I first read the account of this period by one of the early biographers of Washington, Rev. Dr. Bancroft, of Worcester, the father of our distinguished historian, I was struck by the statement, which I quote in his precise words, that, "in case of an attack and defeat, the *Welsh Mountains in Cambridge*, and the rear of the lines in Roxbury, were appointed as places of rendezvous."[1] Perhaps this association, and even the name of the mountains, may be new to some whom I have the honor of addressing. "The Welsh Mountains" are the hills which skirt your peaceful val-

[1] Bancroft's Life of Washington (Worcester, 1807), p. 47.

ley. Since then I have never looked upon them, even at a distance, I have never thought of them, without feeling that they are monumental. They testify to that perfect prudence which made our commander-in-chief so great. In those hours when undisciplined patriots were preparing for conflict with the trained soldiers of England, the careful eye of Washington, calmly surveying the whole horizon, selected your hills as the breastworks behind which he was to retrieve the day. The hills still stand firm and everlasting as when he looked upon them, but smiling now with fertility and peace. They will never be needed as breastworks. There is no enemy encamped in Boston and ready to sally forth for battle; nor is there any siege.

But you will allow me to remind you that the ideas of the Revolution and the solemn promises of the Declaration of Independence are still debated. There are some who have the hardihood to deny them. Here I venture to bespeak from you the simple loyalty of those whose places you occupy. Should an evil hour arrive, when these ideas and promises are in peril, then let them find a breastwork, not in your hills, but in your hearts. And may the rally extend until it embraces the whole country, and the Revolution begun by our fathers is completed by the establishment of all the rights of all!

POWERS OF THE TWO HOUSES OF CONGRESS IN THE ABSENCE OF A QUORUM.

PROTEST IN THE SENATE, AT ITS OPENING, JULY 3, 1867.

JULY 3d, according to the provision in the resolution of adjournment at the last session, Congress met at noon this day. The Chief Clerk read the resolution.[1] Mr. Sumner then said that he rose to a question of order on the resolution.

THE resolution under which Congress is to-day assembled, so far as it undertakes to direct the adjournment of the two Houses of Congress without day, in the absence of a quorum of the two Houses, is unconstitutional and inoperative, inasmuch as the Constitution, after declaring that "a majority of each House shall constitute a quorum to do business," proceeds to provide that "a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members"; and therefore such resolution must not be regarded by the Chair, so far as it undertakes to provide for an adjournment without day.

As, according to the view, there is a quorum already present, the incident contemplated by the resolution

[1] *Ante*, p. 175.

will not arise; but I felt it my duty, by way of precaution and *caveat*, to introduce this protest, to the end that the resolution may not hereafter be drawn into a precedent so as to abridge the rights of the two Houses of Congress under the Constitution of the United States.

Mr. Trumbull, of Illinois, differed from Mr. Sumner, and entered his "protest against any such construction of the Constitution as denies to the two Houses of Congress the right to regulate their own adjournments." After quoting the text of the Constitution, that "a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members," Mr. Sumner said: —

HERE is a concurrent resolution providing for a future meeting of Congress. To that extent it is unquestionably constitutional; but when the resolution imposes shackles upon the two Houses of Congress assembled by virtue of that resolution, then, I submit, it does what, under the National Constitution, it cannot do, — its words are powerless. Congress, when once assembled by virtue of that resolution, has all the powers of a Congress of the United States under the Constitution. That resolution cannot restrain it. Such, at any rate, is my conclusion, after the best reflection that I have been able to give to these words of the Constitution; and I feel it my duty to make this protest, to the end that what we now do may not be drawn into an example hereafter. It is well known that those words were introduced in order to tie the hands of Congress, should it come together and there be no quorum present, — in short, to despoil the Congress then assembled of the prerogative secured to it by the National Constitution. To that

extent I suggest that the resolution hereafter shall be regarded as of no value, and not be quoted as a precedent.

After reply from Mr. Trumbull, the subject was dropped.

HOMESTEADS FOR FREEDMEN.

RESOLUTION IN THE SENATE, JULY 3, 1867.

RESOLVED, That the reconstruction of the Rebel States would be hastened, and the best interest of the country promoted, if the President of the United States, in the exercise of the pardoning power, would require that every landed proprietor who has been engaged in the Rebellion, before receiving pardon therefor, should convey to the freedmen, his former slaves, a certain portion of the land on which they have worked, so that they may have a homestead in which their own labor has mingled, and that the disloyal master may not continue to appropriate to himself the fruits of their toil.

On motion of Mr. Sumner, this was printed and laid on the table. The rule limiting business during the present session prevented him from calling it up.

LIMITATION OF THE BUSINESS OF THE SENATE.

OBLIGATIONS OF SENATE CAUCUSES.

SPEECHES IN THE SENATE, JULY 3, 5, AND 10, 1867.

MR. SUMNER had looked to this session not only for precautions against the President, but for legislation on Suffrage. He had never doubted that there would be a session. March 30th, just before the final adjournment, he gave notice that on the first Wednesday of July he should ask the Senate to proceed with his bill to secure the elective franchise to colored citizens, when Mr. Sherman, of Ohio, said, "The Senator had better add, 'or some subsequent day.'" [*Laughter.*] Mr. Sumner said: "I beg the Senate to take notice that there will be a session on the first Wednesday of July, to proceed with business. I have reason to believe that there will be a quorum here, for there will be important public business that must be attended to."

On the completion of the organization, Mr. Sumner proceeded to offer petitions, when he was interrupted by Mr. Fessenden, of Maine, who said: "I desire to interpose an objection to the reference of these petitions; and I may as well bring the question up here now, before the Senator offers any more. I do it for the reason that in my judgment it is not expedient at the present session to act upon general business"; and he referred to the course at the session of the Twenty-Seventh Congress, called by President Harrison. Mr. Sumner said, in reply: —

MR. PRESIDENT, — We are a Congress of the United States, assembled under the National Constitution, and with all the powers belonging to Congress, — ay, Sir, and with all the responsibilities also. We cannot, by agreement or understanding, divest ourselves of these

responsibilities, being nothing less than to transact the public business, — not simply one item or two items, but the public business in its sum total, whatever it may be, — in one word, all that concerns the welfare of this great Republic. Now the Senator limits us to one item, which he has only alluded to, without characterizing. I suppose I understand him; but he must know well that even that business has many ramifications. But why are we to be restricted thus? Looking at past usage, I need not remind you that we have habitually sat throughout the summer into the month of August, and on one occasion into the month of September. It is no new thing that Congress should be here in July. It is an exception that Congress is not here in July, during every alternate year. Therefore, in considering public business, even under these heats, we are only doing what our predecessors before us have done; we are following the usage of Congress, and not setting up a new usage of our own. The motion of the Senator, if it be a motion, or rather his suggestion, does set up a new usage. It is virtually to declare, that, when admonished by the heats of July, we will fold our hands, and will not even consider public business, except in one particular case; that all the other vast interests of this country will be left, without reference to a committee, without inquiry, unattended to, neglected.

The Senator from Maine says, that, when Congress adjourned at the end of March, it was not supposed that there would be a session at this time. He may not have supposed there would be a session. I never doubted that there would be one. I saw full well that the public interests would require a session in July, and I labored to bring it about, feeling that in so doing I was

only discharging a public duty. Do you forget whom you have as President? A constant disturber, and a mischief-maker. So long as his administration continues, it is the duty of Congress to be on guard, perpetually on watch against him; and this must have been obvious when Congress adjourned, as it is obvious now. Senators may not have foreseen precisely what he would do; but I take it that there were few who did not foresee that he would do something making it important for Congress to be present. I did not doubt, then, that it would be our duty to be here in our places to make adequate provision against his misdeeds. He is President, and the head of the Executive, invested with all the powers belonging to that department. It is hard, I know, to provide against him; but nevertheless you must do it. This Republic is too great, too vast, and too precious, to be left in the hands of a bad man.

One of the greatest masters in the art of war tells us, as the lesson of his great military experience, that the good general always regards that as probable which is possible. I know no better rule for the statesman. Now, with a President such as we have, anything in the nature of disturbance or interference with the public security is possible through the Executive arm. Therefore you are to regard it as probable, and make provision against it. So I argued last spring, and was satisfied that it would be our duty to be in our seats at the coming July. We are here, and I now insist that it is our duty to go forward and discharge all our duties, without exception, under the National Constitution.

Mr. Fessenden replied, referring to the proceedings at the called session of the Twenty-Seventh Congress on resolutions of Mr. Clay to limit business. Mr. Sumner rejoined: —

I HOPE the Senate will pardon me, if I add one word to what I have already said. The Senator from Maine introduces as a precedent something which he will pardon me if I say is not a precedent. He calls our attention to a session of Congress convened by virtue of a summons of the President, being a called session. Why, Sir, this is no called session. This is simply a continuing session, begun on the 4th day of March. It is not a new session. It is a session already begun, prolonged by adjournment into the midst of July. Were it such a session as the Senator from Maine seems to imagine, his precedent might be applicable. We might then search the message of the President to find the subjects proper for consideration. It is, however, no such session. We are here broadly, under all our powers as a Congress, our life as a Congress having begun here on the 4th day of March at noon. Therefore, allow me to say, the precedent is inapplicable.

The practical question, then, is, What shall we do, being a Congress assembled as any other Congress, with all powers and all duties? I submit, proceed with the public business in due order, until such time as by the reports of committees or by votes of the two bodies we shall be satisfied that it is not advisable to proceed further. I think, therefore, petitions should be presented and referred, bills introduced and take their proper destinations, and business of all kinds be brought before the Senate.

At the suggestion of Senators, the petitions were laid on the table to await formal action on the question.

July 5th, Mr. Anthony, of Rhode Island, moved the following resolution, which had been agreed upon in a caucus of Republican Senators: —

"*Resolved*, That the legislative business of this session be confined to removing the obstructions which have been or are likely to be placed in the way of the fair execution of the Acts of Reconstruction heretofore adopted by Congress, and to giving to said Acts the scope intended by Congress when the same were passed; and that further legislation, at this session, on the subject of Reconstruction, or on other subjects, is not expedient."

Mr. Sumner at once appealed to Mr. Anthony: —

BEFORE a resolution of such importance, so open to criticism, so doubtful in point of order, so plainly contrary to the spirit of the Constitution, is brought under consideration, I do think that the Senator who brings it forward should enlighten us in regard to its object, and the reasons in justification of so extraordinary a proposition.

Mr. Anthony made a brief statement, in which he said that he "supposed the reason for this proposition was so evident to every Senator who has conversed with the members of the body, that it would require no explanation whatever"; that "the public sentiment of the country demanded that there should be some legislation in order to make the Reconstruction Acts precisely what we intended them to be, and not as they have been construed." Mr. Sumner then moved the following substitute: —

"That the Senate will proceed, under its rules, to the despatch of the public business requiring attention, and to this end all petitions and bills will be referred for consideration to the appropriate committees, without undertaking in advance to limit the action of Congress to any special subject, and to deny a hearing on all other subjects."

He then remarked: —

I OBJECT to the proposition of my friend from Rhode Island, which I cannot but think he has introduced hastily and without sufficient consideration, or at any rate under influences which I think his own better judgment should have rejected. I am against it on several grounds. If I said it was contrary to precedent, I should not err; for the attempt made the other

day to show that there was precedent for such a proceeding, it seems to me, signally failed. Attention was then called to a resolution adopted at a session of Congress convened by the President of the United States for a declared purpose, announced at the time in advance. I think the course taken by Congress was regarded as questionable, even under the peculiar circumstances. But the two cases are different. The present session is not like that. It is a continuing session of a Congress begun on the 4th day of March last, being simply a prolongation of that session; and the practical question is, whether you will limit the business of Congress in a general session called under a statute of the United States. Clearly there is no precedent for any such proceeding. You plunge into darkness without a guide.

But I go further, and I say, that, even if there were a precedent, I would reject it; for I much prefer to follow the National Constitution. I do not say that the text of the Constitution positively forbids the proposition, but I cannot doubt that the spirit of the Constitution is against it. How often, in other times, have we all throbbed with indignation at the resolution in the other House, also in this Chamber, to stifle discussion on a great question! You do not forget the odious rule by the name of the "Gag," attached to which was the name of its author, beginning with the letter A.[1] I hope there will be no other gag of a larger character to be classified with the letter A. That was justly

[1] Hon. Charles G. Atherton, Representative from New Hampshire, — author of the resolutions of December 11, 1838, on which was based the notorious 21st Rule of the House, providing that "No petition, memorial, resolution, or other paper, praying the abolition of slavery in the District of Columbia or any State or Territory, or the slave-trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever."

offensive, because it violated the right of petition; but you propose not only to interfere with the right of petition, but also with all possible measures concerning the public welfare, except as they may relate to one single business, and that in its narrowest relations.

I object to such a proposition as in its spirit unconstitutional. I appeal to my associates to reject it, that it may not pass into history as a precedent of evil example to be employed against Freedom. You may see, Sir, how obstructive it is, if you will glance at certain matters within my own knowledge, which, I submit, it is our duty to consider, and my duty as a Senator to press upon your attention. No relations with political associates can absolve me from official responsibility.

Every Senator, doubtless, has within his own knowledge business which in his judgment deserves attention, and other business which he does not doubt must be acted on. There are Senators on the other side of the Chamber who will plead the cause of the frontiers menaced by the Indians. I have heard something of that peril from chance travellers during these few weeks past; and yet, by the proposition of my friend from Rhode Island, we are to abandon the frontiers, and I know no other reason than that the weather is too hot. It may be hot in this Chamber; but it is hotter there. The reports from the frontier show that danger has begun. The sound of the war-whoop has broken even into this Capitol. The corpses of fellow-countrymen lie unburied on the roadside, and their memories haunt us. And yet we fold our hands, and decline to supply the needed protection.

Mr. Sumner then alluded to the necessity of legislation to carry out a recent treaty with Venezuela, and also the treaty with Russia.

I mean that important treaty by which the Emperor of Russia has ceded to the United States all his possessions on the North American continent. The ratifications were exchanged only about a fortnight ago. Yesterday, the 4th of July, I was honored by a visit from the Minister of Russia, who put into my hand a cable despatch from St. Petersburg, announcing that on the day before the Russian Commissioner left St. Petersburg for Washington to make the formal surrender of that vast region to the United States. To my inquiry when the Commissioner would arrive the Minister replied, "In a fortnight." In a fortnight, then, final proceedings will be had for the establishment of your jurisdiction over that region, and two questions arise: first, our duty to complete the contract, in consideration of the cession, to pay $7,200,000; and, secondly, our other duty to provide a proper government. But the proposition of my friend from Rhode Island would exclude these important topics from our consideration.

MR. ANTHONY. Would the Senator have the Senate originate an appropriation bill?

MR. SUMNER. I would have the Senate originate a bill for the government of this territory, and, if need be, originate a bill for the payment of the money due. There is no objection in the Constitution.

MR. ANTHONY. It has never been done.

MR. SUMNER. I beg the Senator's pardon; it has been done again and again.

MR. ANTHONY. An appropriation bill originated in the Senate?

MR. SUMNER. Oh, yes.

MR. ANTHONY. I never knew that to be done but once; and then the House rejected it, refused to consider it.

MR. SUMNER. The Senator refers to what are called the general appropriation bills. The Senate constantly makes appropriations for individual cases and for carrying out treaties. Does it not appropriate for private claims, for salaries, for other obligations? In principle, the present case does not differ from an appropriation for an estate adjoining the Capitol. Alaska is not an estate adjoining the Capitol; but it is to be paid for.

That I may make this clearer, I call attention to the very words of the treaty with Russia:—

"His Majesty the Emperor of all the Russias shall appoint with convenient despatch an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States the territory, dominion, property, dependencies, and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery."[1]

So that, by the terms of the treaty, on the exchange of ratifications you became possessors of this jurisdiction; and now, by the approaching surrender, through an official agent, your jurisdiction will be consummated. With this jurisdiction will be corresponding responsibilities. You must govern the territory; you must provide protection for the property and the other interests there. Already, by the telegraph, we learn that a large ship is about to leave San Francisco for Sitka, with merchandise of all kinds. There is also the immense fur-trade, which has been the exclusive Russian inter-

[1] Article IV.: United States Statutes at Large, Vol. XV. p. 542.

est ever since the discovery of the country, which will be left open, without regulation, unless you interfere by appropriate law. There is that most important fur, the origin of wealth on that whole northwestern coast, the sea-otter, which will be exposed to lawless and destructive depredation, unless the Government supplies some regulations. Will you not do something? Will you leave these interests without care?

Senators exclaim, that they may be considered next winter. Do not forget the distance between Washington and that far-away region; you will then see how long you postpone the establishment of your jurisdiction. Months must elapse after the meeting of Congress next December, leaving this region without government. There should be no delay; you should proceed at once. You certainly will not show yourselves worthy to possess this country, unless you provide at once a proper government. Leaving it a prey to lawless adventure, you will only increase the difficulties of dealing with a region so vast and so remote.

But there is another obligation still. You receive the territory; you ought to pay the money at the same time. A Senator before me cries out, "It will not be appropriated at this session."

MR. EDMUNDS. It is not due yet.

MR. SUMNER. I ask the Senator's attention to the point. I understand, as a matter of history, in this negotiation, that, while it was proceeding, it was proposed that the payment should be on the exchange of ratifications, so that, when the cession was completed, the transaction on our part should be completed also; but as the treaty was being drawn, it was understood

that there would be no meeting of Congress before next December, while the ratifications might be exchanged before that time. To meet this case, a special provision was introduced, extending the time of payment to a period of ten months from the exchange of ratifications. This explains the article I now read: —

"In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of His Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold."[1]

By the letter of the treaty, you may, if you see fit, postpone the payment to ten months from the exchange of ratifications; but I submit to the Senator from Vermont, whether he is willing to do so, — whether, since the transaction is consummated on the part of Russia, he is not willing, nay, desirous also, that it shall be consummated on the part of the United States in the spirit of the original negotiation? I submit this as a question of sound policy, — I will not say of integrity, but simply of sound policy on the part of our Government, a republic representing republican institutions, by whose conduct republican institutions are always judged. Surely you will not fail to protect the national honor; nor will you stick at the letter of the treaty.

I have alluded to two important matters under treaties; but there is still another, more important than any treaty or any appropriation, which dwarfs treaties and

[1] Article VI.

dwarfs appropriations, which is not less important, certainly, than the protection of the frontier, now menaced by Indians. I refer to a whole region of our Republic, embracing two extensive States, now menaced by a foe more dangerous to the national peace and welfare than any tribe of Indians. These are returning Rebels in the States of Kentucky and Maryland. Provide against them. They are Indians within your jurisdiction. You have the power; you have the means. Give the ballot to the colored citizens in those States, as you have given it already to colored citizens in the Rebel States, and you will have an all-sufficient protection against these intruders. Here is something to be done. Who doubts the power? Out of three fountains in the Constitution it may be derived. It is your duty, then, to exercise it. See to it that these States have a republican government. Fix in your statute-book an authoritative definition of a republic. Enforce the two Amendments of the Constitution, — one abolishing Slavery, and the other declaring the rights of citizens. Any delay to exercise so clear a power is a failure of duty; and it becomes more reprehensible, when we consider the perils that may ensue. Communicate, if you please, with Union citizens of those two States. Listen to what they say. Be taught by their testimony.

I have, for instance, a letter from an eminent citizen of Maryland, written from Baltimore the 1st of July, which concludes: —

"I will only add, that the interest felt by the loyal people of this State in the passage of this bill cannot be overstated."

Communicate with your late colleague upon this floor, that able and patriotic Senator, Mr. Creswell.

Listen to his testimony. There can be no doubt that Unionists, whether black or white, in Maryland, require your protection. Give it to them. Do not leave them a prey to Rebels. In the same way they are exposed in Kentucky. Here is a letter from a distinguished citizen of that State, dated July 1st: and I read these, out of many others, simply because they are the latest; they have come within a few hours:—

"I hope you will be able to do good at the extra session, and extend and protect the rights of the freedmen, as they are sadly in need of it in Kentucky. Reconstruct us; this is the only loyal hope."

Such is the cry. Kentucky needs reconstruction, and it is your duty to provide it. Put her on an equality with the Rebel States. Let her colored citizens enjoy the full-blown rights of citizens, and let the white Unionists there have the protection of their votes. You sent muskets once; send votes now.[1]

[1] The allusion to Kentucky drew from Mr. Davis, of that State, some days later, a vehement Philippic, where, among other things, he said: "The Senator from Massachusetts himself has been complicated in the crime of treason" (alluding to his opposition to the Fugitive Slave Bill). .... "Massachusetts now is in high feather. Why? She feels conscious and proud that the Constitution of the United States is prostrate at her feet, and that she is leading the whole Radical host of America to execute her wild, oppressive, and unconstitutional behests..... The Senator from Massachusetts pretends to be a statesman, and gets up to speak in this Chamber, not only to the Senate, not only to the people of the United States, but to the legislators and statesmen and publicists of Europe,.... as if he fancied himself the autocratic lawgiver of the whole land,—as though he was a great Colossus in wisdom and power, bestriding Government, Constitution, and country..... The people of the South are enslaved; they are enslaved by the usurped power of the Senator from Massachusetts, in part, and he knows it..... If justice could overtake the States of this Union, Massachusetts would be reconstructed and brought to greater shame than even South Carolina. The honorable Senator was almost in an ecstasy, a few days ago, when he foretold the advent of

On your table is a bill "to enforce the several provisions of the Constitution abolishing Slavery, declaring the immunities of citizens, and guarantying a republican form of government by securing the elective franchise to colored citizens." Pass this bill, and you furnish the needed protection in these semi-rebel States. Pass this bill, and you supersede strife on this much-vexed and disturbing question in other States of the Union. You at once bring to the elective franchise thousands of good citizens, pledged by their lives and inspired by their recently received rights to sustain the good cause which you have so much at heart. Do this; help in this way the final settlement of the national troubles; pass this bill of peace, — for such it will be, giving repose in all the Northern States, — and in this way help establish repose in all the rest of the country. And yet I am told that even this important measure is to be set aside. We are not to enter upon its consideration; we are not to debate it; we are not to receive petitions in its favor. Is this right? Is it not a neglect of duty? Is it not intolerable?

Mr. President, on these grounds I object to this proposition. I might have objected to it, in the first place, as out of order, and asked the ruling of the Chair, not doubting how the Chair, inspired always by a generous love of human rights, must rule, — not doubting that the Chair would say that a proposition of such a char-

negro Senators into this body. He was jubilant. . . . . We see the fell purpose of the honorable Senator from Massachusetts. We know with what persistence he pursues his objects" Mr. Sumner, in reply, simply read extracts from speeches by Judge Goodloe, Willard Davis, G. H. Graham, and General Brisbin, all of Kentucky, at a recent celebration, on the 4th of July, at Lexington, in that State.[1]

[1] Congressional Globe, 40th Cong. 1st Sess., July 13, 1867, pp. 631-633.

acter was too closely associated with one of the most odious measures of our history to deserve welcome at this time. I have raised no such question. I confine myself now to other objections. I object to it as a departure from sound usage, as contrary to the spirit of the Constitution, and as setting up an impediment and obstruction to the transaction of public business of an urgent character, which you cannot neglect without neglect of duty. I ask you to provide for the execution of recent treaties with Venezuela and Russia, to assure protection to Unionists in Maryland and Kentucky, and to give peace to the country. Above all, do not make a bad precedent, to be quoted hereafter to the injury of the Republic.

Mr. Pomeroy, of Kansas, felt "embarrassed in voting against the resolution offered by the Senator from Rhode Island," but he thought it "impracticable and unwise," that it would "subject us to censure, and that we ourselves should regret it hereafter." Mr. Yates, of Illinois, "was for a special session for a special purpose." In reply to a question of Mr. Yates, Mr. Sumner said: —

I DO not believe Congress would have come together, if they had had faith in the President. I believe the session beginning on the 4th of March had its origin in want of confidence in the President. I believe my friend agrees in that.

MR. YATES. Yes.

MR. SUMNER. It was to counteract and watch the President that Congress met on the 4th of March. When this session was about to adjourn, provision was made for its renewal, or a continuation or a prolongation of it, if you may so regard it. I take it in the same spirit with the original enactment.

It was to provide against the President, and to do such other incidental business as the public interests might require. I never doubted that there would be a session on the 3d of July.[1] I so stated at the passage of the resolution. I have so stated constantly since; and I have advised more than one gentleman connected with Congress not to leave the country, because his post of duty was here. I believe that I have answered the question of my friend.

And now one word more. We are assembled under an Act of Congress and the National Constitution. By the Constitution it is provided that "each House may determine the rules of its proceedings." That is all it can do. It may not annihilate proceedings; it may not forbid proceedings. It may provide rules for them; but it cannot, in a just sense, prevent. Therefore I submit that the resolution, if not positively unconstitutional, is contrary to the spirit of that instrument.

Mr. Ross, of Kansas, hoped "that either the proposition of the Senator from Massachusetts or something similar to it would carry." Mr. Tipton, of Nebraska, was "embarrassed in regard to voting for the original resolution." After further debate, the vote was taken on Mr. Sumner's substitute, and it was rejected, — Yeas 6, Nays 26.

Mr. Ross then moved a substitute limiting business "to removing the obstructions which have been or are likely to be placed in the way of the fair execution of the Acts of Reconstruction," and "such as may be rendered necessary for the preservation of the peace on the Western frontier." Debate ensued, in which Mr. Howe, of Wisconsin, said: "I did not suppose any gentleman would insist that I was bound by the decision of that body, or by the conclusion arrived at in that consultation. . . . . I do not know what penalties I subject myself to by disagreeing here and now with the conclusions then arrived at." Mr. Wade, of Ohio, spoke vigorously against the original resolution. In his judgment, "there are some questions about which a Senator has no right to conform his view to that of the majority," and he took the orig-

[1] See, *ante*, p. 370.

inal resolution to be of that class. "It sets a precedent of the greatest danger in high party times." He hoped "that no such detriment to a minority will ever be successfully urged here." He judged Mr. Sumner's "measure, which is to give universal suffrage by Act of Congress, to be upon the subject of Reconstruction, and one of the most efficient measures to that end; and yet gentlemen seem to suppose that that is within the scope of the excluding clause of this resolution." Mr. Fessenden was equally positive the other way. He referred to the caucus of Republican Senators where the original resolution was prepared, which he deemed "eminently proper." "When gentlemen go into consultation with their friends, and make no protest whatever against having the result of that consultation acted upon, they agree impliedly and expressly, in my judgment, that they will be bound on that subject by the decision which their friends come to, unless they give notice to the contrary, — that is to say, in case they continue to act on the subject to the end." Mr. Sumner followed.

MR. PRESIDENT, — I should not have said another word, but for topics introduced by the Senator from Maine; yet before I allude to those particularly, allow me to answer his argument, so far as I am able to appreciate it. He will pardon me for saying that he confounds right and power. Unquestionably the Senate has the power which he attributes to it; but it has not the right. A jury, as we know, in giving a general verdict, has power to say "Guilty" or "Not guilty," disregarding the instructions of the court; but I need not say that it is a grave question among lawyers whether it has the right. Now, assuming that the Senate has the power which the Senator from Maine claims, it seems to me it has not the right. It has not the right to disregard the spirit of the National Constitution; and the present proposition is of that character. The Senator does not see it so, I know; for, if he did, he could not give to it the weight of his character. Others do see it so; and if they do, the Senator from Maine must par-

don them, if they act accordingly. The Senator would not vote for anything he regarded as hostile to the spirit of the Constitution. I cannot attribute to him any such conduct. Can he expect others to do what he would not do himself? This is my answer to the argument, so far as I understand it. Perhaps I do not do justice to it; yet I try.

There was one other point of argument. The Senate, so the Senator argues, may postpone an individual measure to the next session. Grant it; does it follow that they may postpone, immediately on their arrival, the whole business to another session?

MR. FESSENDEN. They can adjourn on the next day, or on the day they meet, if they please.

MR. SUMNER. But so long as they continue in session as a Senate, then, under the National Constitution, they must attend to the business of the country. They cannot tie their hands in advance. To do so is to violate the spirit of the Constitution. The Senator cannot have forgotten the Atherton gag, to which I referred before, without naming it, however. Was it not justly an offence and a stench in the nostrils of every patriot citizen? Has it not left a bad name upon the Congresses that recognized it? But this was simply a declaration not to receive petitions on one subject; and now, under the lead of the Senator, we are to continue in session an indefinite time, and to receive no petition, no bill, nothing on anything except on one specified subject. I submit, if the Atherton gag was unconstitutional, if it was odious, if it was a bad precedent, then you are very rash in establishing this much broader precedent. Do not condemn the offensive legis-

lation of the past; do not condemn those slave-masters once so offensive in these Chambers. You go further than they. You impose a gag not upon petitions merely, but upon the general business of the country.

The Senator from Ohio [Mr. WADE] has, with unanswerable force, depicted the offensive character of this precedent, and he has taught us how, now that we are a majority, we should hesitate to set such an example for the future. How should we feel, he has aptly reminded us, if, as a minority, we had such a cup handed to our lips by a patriot Senator? Doubtless, that for the time patriotism had departed.

I should not have been betrayed into these remarks now, but for topics introduced by the Senator from Maine. When I opened this debate, this morning, Senators will bear me witness, I made no allusion to any discussion elsewhere. I did not think a caucus a proper subject for this Chamber; nor did I attribute to it anything of the character which the Senator from Maine does. He makes it not merely sacred, but a *sacro-sanct pact*, by which every one at the meeting is solemnly bound. What authority is there for any such conclusion? Senators went to that caucus, I presume, like myself, without knowing what was to be considered; and let me confess, when the proposition, in its first form, was presented, I was startled by its offensive character. I could not believe that a Senator, knowing the responsibilities and duties of a Senator, and under the oath of a Senator, could start such a thing. Well, Sir, discussion went on. The proposition was amended, modified, mitigated, losing something of its offensiveness in form, but it still remained substantially offensive. I am not aware that any Senator

suggested that it should be adopted as a rule of the Senate. If any one did, I did not hear it, though paying close attention to the discussion. I do not think the Senator from Maine made any such suggestion. I certainly never supposed that anybody would propose such a rule. So far as it was to have any value, I supposed it was to be the recorded result of the deliberations of political associates, — so far as practicable, a guide for their action, but not a constraint embodied in a perpetual record. At the last moment, after the vote had been declared to which the Senator from Maine refers, and to which I should make no allusion, if he had not brought it forward, I rose in the caucus, and said, "I will not be bound by any such proposition." When it had arrived at the stage to which I refer,—the Senator from Maine will not forget it, for he interposed a remark which I will not quote now ——

MR. FESSENDEN. You had better quote it. I said, "Then you should not have voted on the subject, if you did not mean to be bound by the decision of the majority."

MR. SUMNER. To which I replied, "I am a Senator of the United States."

MR. FESSENDEN. I did not hear the reply.

MR. SUMNER. By that reply I meant that my obligations as a Senator were above any vote in caucus; that I had no right to go into caucus and barter away unquestioned rights on this floor. We are under obligations here to discharge our duties as Senators. We cannot in advance tie our hands. I have not said in so many words, "You violate the Constitution in doing

it." Perhaps better reflection would lead me to adopt the stronger language, and say, "You violate the National Constitution." I feel plainly, clearly, beyond doubt, that such is the character of the National Constitution, and such are our obligations under it, that we cannot, without a dereliction of duty, consent to such a proposition. So I see it; I cannot see it otherwise.

And now I submit to my associates in this body, with whom I am proud to act, whose good opinion I value, whether they would have me, feeling as I do regarding this resolution, act otherwise than as I do. Should I not, as an associate in this Chamber, anxious for the good name of the Senate to which we all belong, proud of this Republic whose honor we hope to bear aloft, and anxious that no precedent should be established which may hereafter be brought to our detriment, should I not enter my frank protest? And, doing so, do I deserve the rude suggestions that have been made to-day? Should I be told that one may not go into a caucus and assist in the debate, and then appear in this Chamber only with the bands of the caucus upon his hands?

Nor is the duty changed by the time of the protest. Vote or no vote makes no difference. No caucus could constrain a Senator on such a question. It was our duty to stay and resist the offensive proposition to the last, and then afterward resist it elsewhere. Senators, if they choose, may take it in their hands and bear it into this Chamber, to enshrine it in the rules of the Senate. If placed there, I know it will do no good; it will stay there to the dishonor of the country, and as a bad precedent for the future.

Mr. Howe spoke again, beginning his remarks as follows: "I am not so familiar with the history of this country as I wish I was. I do not know whether it has ever happened hitherto in the history of the country that a Senator has been arraigned before the Senate for a violation of a duty to a partisan caucus. If there ever has been such a trial before, I hope there never will be such a trial again." Mr. Yates concluded by saying: "Now, Sir, there is one of two things, and it commences this day: that the decisions of such consultations have to be carried out, or this day begins the death of any consultations by the majority in the Senate." Mr. Sumner followed.

MR. PRESIDENT, — It is evident that this debate has opened a broader question than was imagined at first. Doctors disagree. The learned Senator from Illinois differs from the learned Senator from Maine. One expounds the caucus obligations in one way, and the other in another. Now I am clear that this debate ought not to be closed without some defined code of caucus, and it seems to me that the learned Senators, so swift in judgment, ought to supply this code. It should be reduced to a text. We should know to what extent one is bound, and to what extent not bound: whether the Senator from Illinois, who refuses to be bound by the caucus in one point, which was fully discussed, is a man of honor; whether another Senator, who refuses to be bound on other points, is a man of honor. That question could be settled by some explicit code: for we have been admonished that we cannot differ from the caucus without a departure from propriety, if not from duty; and I do not know that stronger language has not been employed. If it has, I will not quote it. It seems to me that this should lead to a practical conclusion, and it is this: to have nothing to do with a proposition which can be discussed only through such avenues, which requires such refinement of detail, with

regard to which the Senator from Illinois makes one exception, and other Senators other exceptions, and to which still other Senators entirely object.

Now I am not going to complain of the Senator from Illinois. In following his convictions he is doing right; but then I wish him to understand that others on this floor may have the privilege he claims for himself,—justly claims; it is his title. I recognize the Senator as a man of honor, though he does refuse to carry out the decrees of the caucus. I believe that every Senator here has responsibilities as a Senator which are above any he can have to a caucus, which is only a meeting of friends for consultation and for harmony, where each gives up something with a view to a common result, but no man gives up a principle, no man gives up anything vital. No Senator can expect another Senator to give up anything vital; no Senator can expect another Senator to sacrifice a principle. I will not imagine that any Senator would sacrifice a principle. If a Senator expects another to accord with him in the conclusions of a caucus, I know well it is because he does not see it in the light of principle; but if another Senator does see it in the light of principle, how can he be expected to act otherwise than according to his light? It is not given to all to see with the clearness of the caucus-defenders. Theirs is the pathway of light; they see the obligation as complete. Others cannot see it so. I am in that list. I cannot see it as a final obligation. I have been present in many caucuses, and I believe, looking over the past, I have harmonized reasonably with my associates. Sometimes I have been constrained to differ, and have expressed that difference, and it has generally been received with kindness. The

other day I expressed the same difference, little expecting, however, an arraignment on this floor.

Here followed a conversation, in which Mr. Sumner, Mr. Yates, Mr. Howe, Mr. Grimes, of Iowa, and Mr. Thayer, of Nebraska, took part. Mr. Yates was willing to except from the resolution necessary legislation on the Western frontiers. Mr. Sumner continued: —

Now I submit to my excellent friend, whether his conclusion does not entirely impair the value of the caucus conclusion, except to this extent, in which we all agree, that it is an expression of the opinion of political associates, calculated to exercise a strong influence on the course of public business, and to be received with respect, but not to be imposed upon this Chamber as a rule.

MR. YATES. Allow me to ask the Senator whether he did not submit himself to the same sort of decision in the Reconstruction measures. Those matters were before a caucus, and acted upon.

MR. SUMNER. In the caucus on Reconstruction I moved the amendment that in the future constitutions of the Rebel States the ballot should be required. A division was had. I allude to it now because interrogated openly in the Senate. A division was had, and there were two stand-up votes, when the motion was carried by a vote of 15 to 13. By 15 to 13 in that caucus it was voted to require suffrage for all in the future constitutions of the Rebel States.

MR. EDMUNDS. And what would you have thought, if the thirteen had repudiated that action?

MR. SUMNER. To repudiate a proposition in favor of human liberty would have been a very different

thing from repudiating a proposition against human liberty.

MR. FESSENDEN. When the question is put to the Senator, what he would have thought, if the thirteen had repudiated it, he says that is a very different thing, being in favor of liberty.

MR. SUMNER. Very well, does not the Senator say the same?

MR. FESSENDEN. I say there is no difference, where a man promises to do a thing with a full understanding; he has no right to violate it, whether it is one way or the other.

MR. SUMNER. The question is, whether the man does promise. There is the point.

MR. FESSENDEN. Very well, then, my reply is, that, if there was no promise in the case of the thirteen to support the decision, there is no promise here; if there was a promise in the case of the thirteen to be bound by it and support it, as they did, then there was a promise here. The Senator may make the distinction, if he can.

MR. SUMNER. I will make the distinction clear. I have never said there was a promise in the case of the thirteen, as I insist there was no promise in the recent caucus. Had the Senator felt it his duty to come into the Senate and oppose the report, I should have been pained to find him on the side of wrong; but I am not ready to say that he would have been constrained by the caucus. But, plainly, the repudiation of a caucus vote for Human Rights is to be judged differently from the repudiation of a caucus vote adverse to Human Rights, — assuming, as I do, that there is no promise in either case.

. . . . .

Sir, I am tired of this talk of honor, in connection with the public business. This is too solemn; we are under too great responsibilities. Every Senator acts with honor. The Senator from Maine acts with honor, when he seeks to impose a rule which I think offensive to the spirit of the Constitution. The Senator from Illinois acts with honor, when he says that he will not be bound by the vote of this caucus in a particular case. Other Senators act with honor, when they refuse to be bound by the resolution in any of its terms. Every Senator acts with honor. He only acts otherwise who makes injurious imputations upon his associates.

Yes, Sir, let us have this caucus code. If it is to be administered with such severity, let us know it in advance, its terms and its conditions, — what extent of dishonor is to be visited upon those who do not adopt the caucus conclusions, and what extent of honor upon those who so steadfastly and violently carry them forward. Let us have the code. I believe, Sir, that the true code for the Senate is found in the National Constitution, in the rules of this body, and in the sentiments of right and wrong which animate every honest soul; and I believe that no advantage can be taken of any Senator by reminding him that he forbore at a particular moment to register his objection, just as if we were all there on trial, to be saved by speaking promptly. It was no such debate; we were there with friends and brothers, each respecting the sensibilities and convictions of his associates, and, by interchange of opinions, seeking harmony, but not submitting to a yoke.

After further remarks from Mr. Fessenden and Mr. Tipton, the substitute of Mr. Ross was rejected, — Yeas 15, Nays 19. The resolution was then adopted, — Yeas 23, Nays 9.

July 10th, Mr. Sumner called up the following, introduced by him July 8th: —

"*Resolved*, That the resolution of the Senate, adopted the 5th of July last, limiting the business of the Senate, be, and hereby is, rescinded."

In remarks that followed, he showed the character of the proceedings in the Twenty-Seventh Congress, which had been adduced as a precedent for the limitation of business. In reply to Mr. Fessenden, he said: —

I HAVE simply done my duty, in calling attention to the past precedent which had been introduced into the discussion. When it was introduced by the Senator from Maine, I had no means of replying to it. I had not the Journal or the Globe with me, and I supposed, from the statement of the Senator, that it was a resolution practically adopted in this Chamber. I was not aware of what followed. I was not aware of the extent to which the whole spirit of the proposition was denounced. Nor was I aware that its original mover, Mr. Clay, was obliged to abandon his proposition, — that he magnanimously, justly, and considerately abandoned it. That is the true precedent in this body; and that is the precedent which, I submit, it would be better for the Senate to follow. Nothing, surely, could be lost by following it.

The resolution adopted by the Senate on Friday, while it remains, will only be of evil example. If hereafter quoted as a precedent, it may be at last for some purpose of oppression, when Senators will not all be as just as those I now have the honor of addressing. It may be seized then as an engine of tyranny. For one, Sir, I would leave no such weapon in this Chamber to be grasped hereafter by any hand.

The Senate refused to take up the resolution.

July 13th, Mr. Sumner made another attempt by the following resolution: —

"*Resolved*, That the rule of the Senate limiting business be suspended, so far as to allow the consideration of the bill (S. No. 124) to enforce the several provisions of the Constitution abolishing Slavery, declaring the immunities of citizens, and guarantying a republican form of government by securing the elective franchise to colored citizens."

But he was not able to obtain a vote upon it, and the important bill was left on the table.

RECONSTRUCTION ONCE MORE.

PUBLIC SCHOOLS; OFFICERS AND SENATORS WITHOUT DISTINCTION OF COLOR.

SPEECHES IN THE SENATE, ON THE THIRD RECONSTRUCTION BILL, JULY 11 AND 13, 1867.

JULY 8th, Mr. Trumbull, of Illinois, from the Committee on the Judiciary, reported a "Bill to give effect to an Act entitled 'An Act to provide for the more efficient Government of the Rebel States,' passed March 2, 1867." This was the third Reconstruction measure of the present year. It was debated for several days. July 11th, Mr. Sumner said: —

MR. PRESIDENT, — Before offering amendments which I have on my table, I desire to call attention briefly to the character of this bill.

The subject of Reconstruction has been before Congress for many years. It first appeared in the Senate as a proposition of my own, as long ago as February, 1862. From that time it has been constantly present. If at any moment Congress has erred, it has been from inaction, and not from action. And now the same danger is imminent.

Mark, if you please, the stages. At every step there has been battle. Nothing could be proposed which was not opposed, often with feeling, sometimes even with

animosity. I do not speak now of the other side, but of friends on this side of the Chamber, some of whom have fought every measure.

To my mind nothing has been plainer from the beginning than the jurisdiction of Congress. Obviously it was not for the Executive, but for the Legislative. The President was commander-in-chief of the army; that function was his. But he could not make States or constitutions, or determine how States or constitutions should be made. All that he did to this end was gross usurpation, aggravated by motives and consequences.

Unquestionably the jurisdiction was in Congress; and I shall never cease to lament that it was not asserted promptly and courageously. Our delay has postponed the establishment of peace and reconciliation. Much as the President has erred, Congress has not been without error also. The President erred from assuming powers which did not belong to him; Congress erred from declining to assume powers which belonged to it. The sins of the President were of commission; the sins of Congress were of omission. The President did the things he ought not to have done; Congress left undone the things it ought to have done.

In the exercise of unquestioned jurisdiction, Congress should at once have provided civil governments, through whose influence and agency the Rebel States might have been shaped into republican forms. Such a proceeding would have been more constitutional and more according to the genius of our institutions than that which was adopted. It is hard to reconcile a military government, or any government born of military power, with the true idea of a republic. Tardily, too

tardily, Congress entered upon the work; and then began hesitations of another character. Even when assuming jurisdiction, it halted.

For a long time it refused to confer the suffrage upon the colored race. At last this was done.

Then it refused to exclude Rebels from the work of Reconstruction; and when at last it attempted something, its rule of exclusion was so little certain that an ingenious lawyer by a written opinion has set it aside.

There have been bills with riders, and after the passage of these bills there has been a supplementary bill with riders. And still further legislation is needed.

Surely these successive failures have their lesson. They admonish us now to make thorough work.

If you will not establish civil governments, with the military power simply as a support, then at least do not hesitate to vacate the existing governments, which are so many roots and centres of sedition. All the officers of these governments, from highest to lowest, exercise an influence adverse to a just reconstruction. They are in the way of peace and reconciliation. They increase the essential difficulties of forming new governments. Through their influence a hostile spirit is engendered and sustained. Such an obstacle should be removed.

At the same time be careful that Rebel influence is not allowed to prevail in the new governments. Of course this can be only by excluding Rebels during this transition period, until the new governments are formed. The rule of exclusion may be properly changed, when loyal and republican governments are established. Attention has already been called to cases deserving notice: as, for instance, naturalized citizens who have taken

an oath to support the National Constitution and afterward became Rebels, but yet are not excluded; cadets at the Military and Naval Academies; persons who have contributed to Rebel loans or invested money in Rebel bonds or securities; contractors who furnished Rebel supplies; also persons who, as authors, publishers, editors, contributors, or as speakers or preachers, encouraged the secession of any State or the waging of war against the United States.

Considering what we hear with regard to the boards of registration, — that in some States they are of doubtful principles, that in others colored fellow-citizens are excluded, so that a large proportion of the electors have no representation in the boards, — it seems to me that we ought by positive words to provide that the boards shall be constituted without distinction of color. Colored persons may be chosen to office, and I cannot doubt that we shall soon welcome colored Senators and Representatives to the National Capitol. Meanwhile the boards of registration must be kept as open as these Chambers; and no commanding general can be allowed to set up a rule adverse to the rights of a race.

A system of public schools without distinction of color should be required. This important duty must not be left to caprice, or to the triumph of truth through local influence. Its performance should be enforced as essential to republican government. We have required suffrage for all; we should require also education for all.

Provision should be made to invalidate the decrees of court in the Rebel States which have not been voluntarily executed. This is necessary for the protection of loyal persons. Look, for instance, at Texas, where,

according to recent report, immense sums have been taken by unjust decrees. If the remedy is not applied now, it is doubtful if the opportunity will not be lost forever.

In submitting a constitution to the people, it seems to me advisable that it should not be complicated by any election of officers, State or National, but that all elections should be postponed until after approval of the constitution by Congress.

There should also be penalties for the violation of the Act. The pardon of the President must not be allowed to confer a title to vote; and since officials have shown such a disposition to impair the efficacy of an Act by interpretation, reducing it to a mere shadow, we ought to provide that it shall be interpreted liberally.

In making these propositions, I ask that you should not hesitate simply because they may not be embraced within the terms of the original Acts. I would do now all that we can to make this measure of Reconstruction just and beneficent. I know no other rule worthy of the Senate or adequate to the occasion.

In carrying out these ideas, I propose to offer several amendments, which I will send to the Chair in order. I begin by an amendment as an additional section: —

"*And be it further enacted*, That every constitution in the Rebel States shall require the Legislature to establish and sustain a system of public schools open to all, without distinction of race or color."

Mr. Trumbull objected to the amendment as not in order under the rule limiting the business of the session. The question of order was submitted to the Senate, and the amendment was ruled out of order, — Yeas 11, Nays 22.

Mr. Sumner then moved the following amendment, which he was sure must be in order, even under the stringent rule of the Senate: —

"*Provided*, That no person shall be disqualified as member of any board of registration by reason of race or color."

Mr. Conkling, of New York, inquired "whether there is any doubt upon the law, as it stands now, that men otherwise qualified are eligible, notwithstanding they are black." Mr. Sumner replied: —

I AM accustomed to that class of questions on this floor. When, some two or three years ago, I felt it my duty to move, on one bill after another, that there should be no exclusion from the street cars on account of color, I was encountered by learned lawyers, and by none more constantly than my friend opposite, the Senator from Maryland [Mr. JOHNSON], with precisely the suggestion which my friend from New York now makes: that in point of law it was unnecessary; that under the actual law, which was none other than the Common Law, there could be no exclusion on account of color: and yet, in the face of that Common Law, Senators all know that there was an exclusion from the cars on account of color, and the grossest outrages committed. Colored persons were precipitated into the streets, into the mud, under a pelting rain, and they could obtain no redress; and when I asked for redress, grave Senators said, "Let them apply to the courts"; and it was suggested that perhaps I had better volunteer as counsel in court rather than appear in this Chamber. Now the question of my friend from New York is precisely in the same spirit. I cannot doubt, that, under the existing Reconstruction law, there can be no exclusion on account of color, — that nobody is for that reason disqualified from the exercise of any

function. What is there to prevent a colored person from being a Senator of the United States? and who can doubt that within a very few months it will be our business to welcome a colored Senator on this floor? I cannot doubt it.

MR. JOHNSON [of Maryland]. How many?

MR. SUMNER. That I do not know. But I ask you who look to the colored vote in these States as the means of security and peace, through which you are to find protection for this Republic, and for white fellow-citizens there as well as for the colored themselves, to see that this stigma is not put upon them by any commanding general pretending to act by virtue of our legislation. It is not enough to tell me, that, under the actual law, colored persons may be designated. To that I reply, in the State of Virginia they have not been designated; and I wish now that Congress should declare that any exclusion on account of color is without the sanction of law.

And that brings me to the inquiry of my friend from Illinois, as to the penalty, I think, or as to the extent of the remedy.

MR. TRUMBULL. The question was, whether your proviso afforded any remedy.

MR. SUMNER. That I will answer. My proviso affords precisely the same remedy that it afforded on the Railroad Bills. It is in nearly the same terms. I followed those terms, because I know my friend likes good precedents, and we have enough of those on the question of the street cars. The Senate adopted that proviso at least half a dozen times. There it is, without penalty,

and yet it has been most efficacious, not only in these streets, but as an example throughout the country. Adopt this proviso now, and I am sure it will be most efficacious with our generals even without any penalty. Should they exclude fellow-citizens on account of color, it will be a violation of law and a failure of duty; there can be no votes of thanks for them, — "no hope of golden spurs to-day."

Mr. Conkling replied: "I do not wish, for one, to vote for an amendment which I think carries nothing with it, but which simply incumbers the bill with unnecessary, and I might say verbose provisos."

The amendment was rejected by a tie-vote, — Yeas 18, Nays 18.

At the next stage of the bill, Mr. Sumner renewed his amendment. In reply to Mr. Edmunds, of Vermont, Mr. Sumner said: —

I WILL not spend time. There has been an abuse which has come to our knowledge. We know that in whole States colored persons are excluded from the boards, and this justifies our intervention.

On this second trial the amendment was adopted, — Yeas 21, Nays 8.

Mr. Sumner offered the following: —

"*And be it further enacted,* That there shall be no elections of State or National officers under any new constitution until after the same has been approved by Congress."

This was objected to by Mr. Trumbull, as out of order under the rule, and so decided by the Senate.

Mr. Sumner then moved the following amendment: —

"*And be it further enacted,* That in each of these States all judgments and decrees of court which have not been voluntarily executed, and which have been rendered subsequently to the date of the Ordinance of Secession in each State respectively, shall be subject to appeal to the highest court in the State, organized after the State shall be admitted again by Congress into the Union; but no such appeal shall be allowed, unless the motion for the same shall have been lodged in the court, or clerk's office of the court, in which the decree was rendered, within sixty days after the governor appointed under this Act shall have entered upon the discharge

of the duties of his office, and for all judgments rendered subsequently to such date, within sixty days after the same have been rendered."

Mr. Trumbull objected to it as out of order under the rule. Mr. Sumner said: —

My attention has often been called to the necessity of such a provision, by gentlemen from the South, and especially by lawyers there. They tell me that without some such provision the grossest injustice will be done. Throughout the whole Rebellion the local tribunals were sitting to administer justice; yet it was not justice, but injustice, that they administered. Under their decrees private rights were overthrown; and I doubt not that my friend from Illinois has recently read the account of an extensive injustice in Texas, where private property to an almost incalculable amount was taken away by these unjust decrees.

Should there not be a remedy? I think all will say that there should be. This is, if I may so express myself, the last time of asking. If those States are once organized as States and received into the Union, I know not if we have the power of applying a remedy. That we have now I am sure. I cannot doubt our constitutional power at this moment to set aside all those decrees, so far as they have not been voluntarily submitted to, or subject them, according to the provision of my amendment, to appeal in a higher tribunal after the reorganization of justice in these States. Is not the provision reasonable? Is it not to serve the ends of justice? If you do not accept it now, can you accept it at any time hereafter? And if you do not accept it now or hereafter, will not these parties go without remedy? On that question I do not pronounce dogmatically. I do not mean to say

that they will be absolutely without remedy; but I do not easily see their remedy. I see difficulties in the way, while at this moment I see no difficulties in the way.

Then I encounter the objection that this is not in order. Why not? Is it not to carry out your Reconstruction Bill, to smooth difficulties, to remove wrong, to establish justice? It may not have been specially foreshadowed in the original bill or the supplemental bill; but I submit that it is entirely germane to both those bills. Besides, it is commended by an intrinsic justice, which should make it acceptable at any time.

The amendment was decided to be out of order.

Mr. Sumner then offered this amendment: —

"*And be it further enacted,* That all the provisions of this Act, and of the Acts to which this is supplementary, shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out."

There was no objection of order to this amendment, and it was agreed to without a division.

After further amendment the bill was ingrafted upon a House bill on the same subject and passed, — Yeas 32, Nays 6. Being referred to a Conference Committee, the report of the Committee was adopted: in the Senate, Yeas 31, Nays 6, — and in the House, Yeas 111, Nays 23.

July 13th, on the report of the Conference Committee in the Senate, Mr. Sumner said: —

AND now, as we are about to dismiss this subject for the present session, I cannot forbear again expressing regret that the measure has not been made more complete, — in one word, more radical. This is the third bill of Reconstruction on which we have acted. We ought never to have acted on more than one; and had the Senate been sufficiently radical, had it founded its bill on clear, definite principle, there would have

been no occasion for more than one. Just so far as we have failed to found ourselves on clear, definite principle, our bills have failed; and should there be failure under the present bill, it will be precisely on that account.

I shall never cease to lament that Congress did not at once assume jurisdiction of the whole region, and in the exercise of its plenary authority establish civil governments, supplying ample military support. Such a Reconstruction would have been founded on principles to defy the criticism of history. I trust that what we have done will be judged leniently hereafter. I know, however, that it is not above criticism. Of course, such Reconstruction would have removed out of sight all existing State governments and municipal governments set up by Rebel authority, or by the President in the exercise of usurped power. In my opinion, it is not too late to do this last work. Even if you decline to establish civil governments, I think, that, under the Military Bill, you should go forward and brush away all the existing governments there. From information, private and public, out of every one of the Rebel States, I am led to this conclusion. Those governments, whether State or municipal, are just so many engines of Rebel influence. They stand in the way of Reconstruction. They prevent the beneficent operation of your work. But the Senate has declined that path. I regret it, and now at this last moment record my regret.

I am sorry to add that the Senate has declined to require of these people conditions which I think essential to republican government. One of these is a system of public education. I can never cease to mourn

the failure in this regard. Here is a paper from New Orleans, which has come to me since I have been at my desk to-day, edited by colored persons, — and an excellent paper it is, — "The New Orleans Tribune" of July 9, 1867, which contains an article entitled "Public Schools," from which I will read a brief sentence: —

"Who will open the public schools to all children? We are of opinion that it will only be done by a colored mayor with colored members of the city council. This opinion is justified by facts."

The article then sets forth the impediments in the way of public schools. And yet, in the face of such intelligence from the Rebel States, we decline to require a system of public education as an essential element in these new governments. I lament it; and I desire again to record this sentiment.

I fear also, Mr. President, that in the operation of this bill you will find that we have not been sufficiently explicit in the exclusion of Rebel influence. I have made my best effort to remove doubts and to enlarge the exclusion. But, in saying this, I desire to add, that, in my judgment, all exclusions belong to what I call the transition period. When Reconstruction is accomplished, the time will come for us to open the gates, — but not till then.

July 19th, the bill was vetoed by the President, and on the same day it was re-passed by a two-thirds vote of both Houses: in the Senate, Yeas 30, Nays 6, — and in the House, Yeas 109, Nays 25; so that it became a law.[1]

[1] Statutes at Large, Vol. XV. pp. 14-16.

SUFFRAGE WITHOUT DISTINCTION OF COLOR THROUGHOUT THE UNITED STATES BY ACT OF CONGRESS.

REMARKS IN THE SENATE, ON A BILL TO ENFORCE SEVERAL PROVISIONS OF THE CONSTITUTION BY SECURING THE ELECTIVE FRANCHISE TO COLORED CITIZENS, JULY 12, 1867.

MARCH 26, 1867, Mr. Sumner asked, and by unanimous consent obtained, leave to introduce a bill to enforce the several provisions of the Constitution abolishing Slavery, declaring the immunities of citizens, and guarantying a republican form of government, by securing the elective franchise to colored citizens, which was read twice by its title and printed. He then remarked on the importance of the bill, and said that it was intended to cut the Gordian knot of the Suffrage question throughout the country.

At the session beginning July 3d, he made constant efforts for its consideration, challenging objection and argument.

July 12th, he moved its consideration, calling it "the Capstone of Reconstruction"; but the Third Reconstruction Bill was pressed by Mr. Trumbull, of Illinois, to the exclusion of the other. Mr. Sumner would not antagonize his bill with that. As soon as the other measure was disposed of, he pressed his bill again. It was objected to by Mr. Edmunds, of Vermont, as not in order under the rule of the session limiting business,[1] and the question of order was referred to the Senate. On this Mr. Sumner said: —

MY argument is precisely this, and I ask the attention of my friend from Maryland [Mr. JOHNSON]. We all know his eminence at the bar of the

[1] *Ante*, p. 373.

Supreme Court, and I submit to him this: We have already by Reconstruction Acts conferred the suffrage upon colored persons in the Rebel States; now is it not important that our legislation should be completed and rounded by conferring the suffrage in the other States as conferred in the Rebel States? You have conferred it in the Rebel States.

MR. JOHNSON. What has that to do with the other States?

MR. SUMNER. Will you have the great right of suffrage depend upon Act of Congress in one half of the Union, and not upon Act of Congress in the other half? If you can pass an Act for one half, can you not for the other half? I know the answer, that in the Rebel States the fact of rebellion gives a power we have not in the other States. But the present bill is founded not simply on the fact of rebellion, but on the clause in the National Constitution by which we are bound to guaranty a republican form of government throughout the whole country; also on the other clause by which Slavery is abolished throughout the whole country, and we are empowered by proper legislation to enforce it; also that further clause by which the rights of citizens are secured throughout the whole country, and we are empowered by proper legislation to enforce it. Here are three sources of power, equally applicable to all the States, Rebel or Loyal. And now I submit that such an Act for the Loyal States is only the just complement to our action in the Rebel States.

How can you look the Rebel States in the face, when you have required colored suffrage of them and fail to require it in the other States? Be just; require it in

the Loyal States as you have required it in the Rebel States. There is an unanswerable argument, and I submit it on the question of order. If we are privileged to consider only matters in aid of the original Reconstruction measures, then do I say that this bill is in aid of those measures, for it gives to them completeness and roundness. Without this bill your original measures are imperfect, ay, radically unjust. I know it is said there is one title to legislation over the Rebel States which we have not with regard to the Loyal States, — to wit, that they have been in rebellion. But the great sources of power in the two cases are identical; they are one and the same.

There is the guaranty clause in the National Constitution, the sleeping giant of the Constitution, never until this recent war awakened, but now it comes forward with a giant's power. There is no clause like it. There is no text which gives to Congress such supreme power over the States. Then, as I have so often said, are the two other clauses. Your power under the Constitution is not less complete than beneficent.

I am not to be betrayed into the constitutional argument. I am now on the question of order. I say that this bill is essential to perfect the original Reconstruction measures. You should not return to your homes without this additional Act by which Reconstruction is finished. If any Senator has any reason to bring against this bill, if any one can suggest a doubt of its constitutionality, I should like to hear the reason or the doubt, and I shall be ready to answer it. I invite discussion. I challenge the expression of any reason against it, or of any doubt with regard to its constitutionality; and I ask Senators to look at it as a great

measure of expediency as well as of justice. How will you settle this question in the Loyal States? Here are Delaware, Maryland, — my friend over the way will not be sensitive when I allude to his State, — and Kentucky, in each of which this measure will be the salvation of Union citizens. In other States, like Pennsylvania, it will rally at once — I am speaking now on the question of expediency — twenty thousand votes to the Union cause. In Indiana, too, it will settle the Suffrage question. I say nothing of Iowa. There is Wisconsin.

MR. TRUMBULL. They all vote there now.

MR. SUMNER. Under the decision of the Supreme Court. So much the better. There is Connecticut. It would obtain three thousand votes there for the good cause. A short Act of Congress will determine the political fortunes of Connecticut for an indefinite period by securing three thousand additional votes to the right side. There is New York, also, where the bill would have the same excellent beneficent influence.

Who, then, can hesitate? Look at it in any light you please. Regard it as the completion of these Reconstruction measures, as a constitutional enactment, or as a measure of expediency to secure results we all desire at the approaching elections, and who can hesitate? There has been no bill before you for a long time of more practical value than this. I hope there will be no question about proceeding with it, and that we may pass it before we separate to-night.

MR. EDMUNDS. I agree with my friend from Massachusetts, that the bill has very great merit. It has supreme moral merit. I agree to every word of it. I am a little

afraid, it is true, that there is a higher law that will bind us not to pass it, for want of power.

MR. SUMNER. Want of power! Will the Senator be good enough to state the reason?

MR. EDMUNDS. No, not on this point, because it is not relevant to this question of order.

MR. SUMNER. But, as the Senator is going into the question of the want of power, I really wish he would deign to enlighten us upon that.

MR. EDMUNDS. My friend will have to go without it, so far as I am concerned, for I shall not make it.

MR. SUMNER. Then I shall begin to think the Senator cannot.

MR. EDMUNDS. That is not a very dangerous state of things; but there are others who can.

The Senate decided the motion out of order, — Yeas 12, Nays 22.

July 13th, and again on the 15th, Mr. Sumner made another effort, by a resolution suspending the rule limiting business, so as to allow the consideration of this bill; but he could not get a vote on the resolution. The Senate rose without touching it.

OPENING OF OFFICES TO COLORED PERSONS IN THE DISTRICT OF COLUMBIA.

REMARKS IN THE SENATE, ON A BILL FOR THE FURTHER SECURITY OF EQUAL RIGHTS IN THE DISTRICT OF COLUMBIA, JULY 16, 1867.

JULY 16th, Mr. Sumner offered a petition from citizens of Washington, setting forth, that, under the existing charter of Washington, colored persons are excluded from office, and praying relief. He supported the petition with the following bill "for the further security of Equal Rights in the District of Columbia": —

"*Be it enacted, &c.*, That in the District of Columbia no person shall be excluded from any office by reason of race or color, and all parts of laws making any such discrimination are hereby repealed."

The bill was read, when Mr. Sumner asked unanimous consent to proceed with its consideration.

I THINK there can be no objection to this bill. It is simply to carry out what is understood to be the effect of existing legislation, but which practically does not seem to be its effect. At the late election in the District it appeared that by the terms of the charter colored persons could not be qualified as aldermen, as common-councilmen, or as assessors; and on examining the charter, which I have now on my desk, I find that by its terms, strictly construed, these offices are confined to free white persons. By our legislation, all persons, without distinction of color, can be voters, but nothing is said about being office-holders. I cannot

doubt, that, under the Constitution, and particularly since the recent legislation, the discrimination adverse to colored persons is void; but practically it is not so regarded. I submit, therefore, that it is proper in Congress to remove this grievance.

Mr. Buckalew, of Pennsylvania, objected to its consideration, when Mr. Sumner gave notice that he should endeavor to call it up the next day. He gave further notice, that, if any objection were made, he should move to suspend the rule limiting business so far as to allow this bill to be considered.

July 17th, on motion of Mr. Sumner, the Senate proceeded to consider the bill. Mr. Hendricks, of Indiana, then said: —

"The Senator from Massachusetts was the author of the proposition that the colored people should vote. He made the commencement of that policy with the District of Columbia. He now claims — and I believe his party friends have come up to his position — that that is to be made universal throughout the States. I suppose he will be frank enough to inform us whether it is intended as the commencement of the policy that negroes shall be allowed to become office-holders, to hold both Federal and State offices throughout the country, — whether he regards this as the inauguration of that policy. I suppose he does, from the fact that he expressed with a great deal of warmth, the other day, the desire that he might see colored Senators here in a very short time. If we are to regard it as the inauguration of the policy, it is well enough to know it."

Without any reply, Mr. Sumner asked for a vote, when the bill was passed, — Yeas 25, Nays 5.

July 18th, in the other House, the bill was reported by Mr. Wilson, of Iowa, from the Judiciary Committee, with the following substitute, intended to avoid in legislation the repetition of the phrase "race or color."

"The word 'white,' wherever it occurs in the laws relating to the District of Columbia or in the charter or ordinances of the city of Washington or Georgetown, and operates as a limitation on the right of any elector of said District or either of said cities to hold any office or to be selected and to serve as a juror, be and the same is hereby repealed; and it shall be unlawful for any person or officer to enforce or attempt to enforce said limitation after the passage of this Act."

The substitute was adopted, and the bill thus amended passed, — Yeas 90, Nays 20.

July 19th, the Senate concurred in the amendment, and, on motion of Mr. Harlan, of Iowa, further amended the bill by an additional section authorizing "the necessary grand and petit jurors for the June term of the Criminal Court for the year 1867." This amendment, though not relating to Equal Rights, was concurred in by the House.

July 20th, the bill was duly enrolled and transmitted to the President for his signature, but was not returned by him before the adjournment, the same day, so that it failed to become a law. Mr. Sumner complained that Senators "proposed to go home and leave Equal Rights in the District without the protection we owe them."

November 21st, on the first day of the meeting of Congress after the adjournment, Mr. Sumner introduced the same bill as it had passed both Houses, and asked the Senate to proceed with it at once; but this was prevented by the objection of Mr. Davis, of Kentucky. Mr. Sumner forbore calling it up for eleven consecutive days of the session, to see if within that time it would be returned to Congress, with or without objections. It was not returned, and on application at the Department of State it was ascertained that it had not been received there.

December 5th, the bill was taken up, on motion of Mr. Sumner, discussed, and again passed, — Yeas 32, Nays 8.

December 9th, it passed the House, — Yeas 104, Nays 39.

December 11th it was presented to the President.

December 20th, Congress adjourned for the holidays.

The President, by a message, January 24, 1868, in reply to an inquiry of the Senate, stated that it was presented for his approval December 11, 1867, but that "Congress by their adjournment [December 20th] prevented the return of the bill within the time prescribed by the Constitution."

January 7th, Mr. Sumner a third time introduced the same bill. Mr. Sherman, of Ohio, thought "we ought to consider whether it is not already a law." Mr. Edmunds, of Vermont, said that "this bill has become a law, if it has not been returned with a veto." Under these circumstances, the bill was referred to the Judiciary Committee to consider its true condition and the question of further legislation.

February 11, 1869, the bill being once more before the Senate, Mr. Sumner moved it again, as appears by the following passage.

MR. SUMNER. I move that the Senate proceed to the consideration of Senate bill No. 228.

MR. DRAKE [of Missouri]. What is it?

MR. SUMNER. A bill for the further security of Equal Rights in the District of Columbia. I will make one minute's explanation, and then the Senate will see that it ought to be passed. This bill has already twice passed both Houses of Congress, but immediately before recesses, and it has fallen from the President failing to return it with his veto, and from the unsettled condition of the practice or law in such cases.

THE PRESIDING OFFICER [Mr. MORGAN, of New York, in the chair]. It requires the unanimous consent of the Senate to consider the bill at this time.

MR. DRAKE. I appeal to the honorable Senator from Massachusetts on behalf of a poor and most worthy woman ——

MR. SUMNER. Why should the Senator make that appeal to me? I appeal on behalf of all the colored people in this District, who ask the passage of this bill.

MR. CONKLING [of New York]. Whether the objection should be made or not depends perhaps upon this, which I should like to inquire: Has not this bill not only passed twice, I think three times, but has it not become a law certainly once?

MR. SUMNER. It has not become a law; at least, it has not found place in the statute-book, and the courts have declined to recognize it as law. Under the circumstances, it has seemed the best and the shortest way for Congress to pass it again, so as to remove all doubt.

The bill passed the Senate without a division, and, March 2d, it again passed the other House without a division. Again it failed to receive the signature of the President, nor was it returned with his objections.

March 6th, at the opening of a new Congress, with a new President, Mr. Sumner introduced it again, and asked unanimous consent to proceed with its consideration; but Mr. Vickers, of Maryland, objected.

March 8th, it passed the Senate without a division; March 15th, passed the other House, — Yeas 111, Nays 46; March 18th, was approved by the President, and so at last became a law.[1]

[1] Statutes at Large, Vol. XVI. p. 3.

NATURALIZATION WITHOUT DISTINCTION OF RACE OR COLOR.

REMARKS IN THE SENATE, ON A BILL TO STRIKE OUT THE WORD "WHITE" IN THE NATURALIZATION LAWS, JULY 19, 1867.

JULY 19th, Mr. Sumner introduced a bill to amend the several Acts of Congress relating to Naturalization, by striking out the word "white," and he asked unanimous consent of the Senate to consider the bill at once. Mr. Edmunds, of Vermont, objected. Mr. Sumner then said: —

I HOPE the Senator will not object. I have received a letter from Norfolk, calling attention to the case of a colored person there, an inhabitant for more than twenty-five years, but unable to obtain naturalization because of the words of color in our naturalization laws. It is only reasonable that we should put an end to that grievance. In short, I would punch the word "white" out of the statute-book, wherever it appears. If the Senator from Vermont is disposed to keep it in, then I can understand that he would object to the bill.

MR. EDMUNDS. I am not disposed to keep it in ——

MR. SUMNER. I did not suppose the Senator was.

MR. EDMUNDS. My punch is not quite so case-hardened as that of my friend.

And he insisted upon its reference to the Committee on the Judiciary, "so that there may be that examination which will make the bill perfect, if it is not now perfect, to answer the end that my friend from Massachusetts and myself both want to reach." The bill was referred accordingly.

February 17, 1869, Mr. Stewart, of Nevada, reported the bill from the Committee adversely. In the few remaining days of the session Mr. Sumner was unable to call it up.

THE PRESIDENT MUST BE WATCHED BY CONGRESS, OR REMOVED.

SPEECH IN THE SENATE, ON THE RESOLUTION OF ADJOURNMENT, JULY 19, 1867.

JULY 19th, the Senate considered a resolution from the other House to reassemble November 13th. Mr. Sherman, of Ohio, moved to amend by making the day of meeting "the first Monday of December next." Mr. Sumner moved to amend the amendment by substituting "the second Wednesday of October next." He then said: —

ON that question I have a word to say, and I must speak frankly. I cannot help it. How Congress, after listening to the message of to-day,[1] which is only the logical consequence of other messages, can quietly vote to go home and leave this post of duty until next winter, passes my understanding. To me it is incomprehensible. The message, from beginning to end, is a menace. Needless to quote its precise language. Its defiant tone fills this Chamber, and will soon fill the whole country. Listening to this appeal, so well calculated to revive the dying Rebellion, I felt that one of two things was needed, — the removal of its author from the Executive chair, or Congress in permanent session to watch and counteract him. Such is the alternative. One failing, the other must be.

[1] The Veto of the Third Reconstruction Act.

Now, Sir, when thus insisting, let it be understood that I am not unmindful of any of my responsibilities in this Chamber. Other duties may devolve upon me hereafter. For the present I speak as a Senator, bound, in the discharge of official duty, to do what he can for the public good. As a Senator, I must be plain; nor can I be constrained by the possibility that hereafter I may be called to judge the President. I am called to judge him now. The proposition that Congress should go home compels me to judge him.

Unquestionably it is for the other House to initiate the proceedings which shall bring the President to your bar. But until then it is the right and duty of every Senator to express himself freely with regard to his conduct; nor can there be any limit to this latitude. It is as broad as human thought. No future duty can be a strait-jacket now. Because the President may be impeached, the Senate is not obliged to be silent with regard to him. The National Constitution is guilty of no such absurdity. Until a Senator is sworn on the trial of impeachment, according to the requirement of the National Constitution, he is a Senator, free to criticize any public functionary, from the President to the humblest officer; and if either has so acted as to deserve removal, there is no reason why he should not say so. This is only according to the National Constitution and common sense.

Now, since Andrew Johnson remains President and he is not yet at your bar, I cannot doubt that we ought to stay in our seats to encounter the evil proceeding from him. We must meet him constantly, and not leave the field unoccupied.

For this reason, simply and briefly stated, I object

to the motion of the Senator from Ohio. If I had powers of persuasion, I would use them all to induce you to remain as a guard to the National Constitution and a constabulary force for the Rebel States. Possibly you may not like the office. But I doubt if any of us can be better employed anywhere than in contributing to the success of Reconstruction, and in preserving peace throughout that distressed region of country. Sitting in our seats here, we are a mighty police, ready at the call of general or citizen, and also a terror to the evil-doer.

Senators wish to leave. So do I. Nobody can wish to leave more than myself. I suffer much from these heats. I long to be at home. But I feel that it is my duty to be here. All that I have felt before is now intensified by the menace of this message. Hereafter no Senator can say that he did not know what to expect. He will not be taken by surprise. Here is distinct and open notice that the President will do all in his power to thwart your legislation and to arrest a just Reconstruction. There he stands, a constant impediment to peace, and an ally to the Rebellion. And yet, knowing these things, it is proposed to go home and leave him undisturbed master till winter.

Mr. Sherman said: "It does seem to me a very strange thing that a judge, by whose vote alone the President can be removed, should declare that he must be removed. [Mr. Sumner said, "Or Congress must stay here to watch him."] . . . . If the House of Representatives desire to present an impeachment of any officer of the Government, I am perfectly willing to stay and try him. No such case is presented." Mr. Buckalew, of Pennsylvania, said: "The Senator from Massachusetts who first spoke [Mr. SUMNER] maintains his usual position at the end of this session. I do not remember any occasion when that member supported a resolution of adjournment. I do not remember an occasion when he did not vote for reassembling, when the opportunity

was afforded him, at an early date. In fact, I suspect, that, if the truth were known, the Senator from Massachusetts would be prepared with business the whole three hundred and sixty-five days of the year, and that, if we consulted his views, we should make a French revolutionary assemblage of the two Houses of Congress, — we should be in permanent session, without vacation and without recess." He insisted that "we should withhold ourselves from the expression of judgment upon a question which is not here, and which cannot come here, unless it be brought here by the House of Representatives, over whose action we have no control." This brought up Mr. Sumner again.

MR. PRESIDENT, — There is just the point. The Senator says the question is not here, — in other words, that this is not the time to discuss the President. He is mistaken; this is the very time. The question is here at the instance of the Senator from Ohio, who gravely moves that we leave our seats, and from this time forward till December abdicate our constitutional guardianship of the public interests. To such a proposition there is but one natural and logical reply. It is, that we must not abdicate, so long as Andrew Johnson is in the Executive chair. If he continues President, we must remain at our posts, precisely as Grant remained before Richmond.

Sir, if another person wielded the Executive powers of the nation, if there was anybody in that high office mindful of the National Constitution as interpreted by the Declaration of Independence, and disposed to carry forward the Acts of Congress adopted by such triumphant majorities, then I could vote with Senators to go home. Unhappily, it is not so. Anything but this. Our President is a public enemy, successor in spirit and opinion of Jefferson Davis, through whom the Rebellion is once more on its legs. Does any Senator, accustomed to vote with the Union party and to

sustain the Union cause, question this simple statement of fact? Does he believe it overdrawn? Let him answer, if he does. Let him say where my language goes by a hair's breadth beyond the exact truth.

Here Mr. Sumner stopped for answer, and then proceeded.

Because we have the successor of Jefferson Davis in the Presidential chair, therefore Congress must stay. That is my argument. A volume or oration could not add to the force of this simple statement.

The more I think of this duty, the more commanding it seems. The President is the Executive; we are the Legislative. His influence is great; but ours is greater. If we choose to say so, we can be masters. We can apply the corrective to his mischief. Surely here is a motive. Ten States are now exposed to his malign influence, all of which may be arrested by our presence here. Let it be known that we are to continue in our seats, and every Union man throughout the Rebel States will feel stronger. He will be conscious at once of a panoply, which the President, and the Rebel tail, of which he is the head, cannot penetrate.

There are the generals, also, who, as soon as we are gone, may be his victims. The telegraph may flash to us, in the comfort of home, that the gallant Sheridan, as true in government as he was skilful in war, has been driven from his post by an enemy with whom he could not contend. It may flash the removal of Pope, who has shown such talent and thoroughness in the organization of his district, and also the displacement of Sickles, who has carried into his new duties such varied experience and patriotic purposes. All this may

occur; for the President is vindictive in his assault upon the upholders of Human Rights. Is it not worth our care to provide against such calamity? But you propose to go home and leave all, whether citizen or general, a prey to the President. I protest against it.

The amendment of Mr. Sumner was rejected. That of Mr. Sherman was adopted, and the resolution as amended was then agreed to, — Yeas 23, Nays 14. On the report of a Committee of Conference, it was amended again by making the adjournment to "the 21st day of November next," which was adopted by the Senate, — Yeas 17, Nays 14, — Mr. Sumner voting in the negative.

SYMPATHY WITH CRETE, AND AN APPEAL TO THE TURKISH GOVERNMENT.

JOINT RESOLUTIONS IN THE SENATE, JULY 19, 1867, AND JULY 21, 1868.

JULY 19th, reported from the Committee on Foreign Relations by Mr. Sumner: —

RESOLUTION declaring sympathy with the suffering people of Crete.

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That the people of the United States feel a strong sympathy with the people of Crete, constituting a part of the Greek family, to which civilization owes so much; that they are pained by the report of the present sufferings of this interesting people; and they unite in the hope that this declaration, which they feel it their duty to make, will be favorably considered by the Government of Turkey in determining its policy towards Crete.

SEC. 2. *And be it further resolved,* That it shall be the duty of the President of the United States to communicate this resolution to the Government of Turkey.

On the same day, this resolution was, by unanimous consent, read three times, and passed both Houses, and on the next day approved by the President.[1]

[1] Statutes at Large, Vol. XV. p. 81.

July 21, 1868, the contest of the Cretans for independence still continuing, Mr. Sumner reported from the Committee on Foreign Relations the following joint resolution: —

JOINT RESOLUTION appealing to the Turkish Government in behalf of the people of Crete.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the people of the United States renew the expression of their sympathy with the suffering people of Crete, to whom they are bound by the ties of a common religion, and by the gratitude due to the Greek race, of which the Cretans are a part; that they rejoice to believe that the sufferings of this interesting people may be happily terminated by a policy of forbearance on the part of the Turkish Government; and they hereby declare their earnest hope that the Turkish Government will listen kindly to this representation, and will speedily adopt such generous steps as will secure to Crete the much-desired blessings of peace, and the advantage of autonomic government.

SEC. 2. *And be it further resolved,* That religion, civilization, and humanity require that the existing contest in Crete should be brought to a close; and to accomplish this result, the civilized powers of the world should unite in friendly influence with the Government of Turkey.

SEC. 3. *And be it further resolved,* That it shall be the duty of the President to instruct the minister of the United States at Constantinople to coöperate with the ministers of other powers in all good offices to terminate the sufferings of the people of Crete; and that it shall be the further duty of the President to

communicate a copy of this resolution to the Government of Turkey.

The resolution was considered on the same day, and passed without a division.

July 25th, it passed the other House without a division.

July 27th, it was approved by the President.[1]

These two resolutions gave expression to the sentiments of the American people, who sympathized strongly in the Cretan struggle for independence. For a time the courage and determination of the insurgents inspired confidence, and it seemed as if they would prevail; but, after a protracted struggle, they succumbed to superior force. The following contemporary account is from the Washington correspondent of the *Boston Journal*.

"Mr. Sumner's resolutions appealing to the Turkish Government in behalf of Crete, which were passed by both Houses of Congress, have been much spoken of in diplomatic circles. Some think they were too late, as in their opinion the Cretans are already vanquished. This is not the opinion with the Greek Legation, who is very hopeful, and insists that the Turks can never prevail. The resolutions themselves, even among those who do not sympathize with their object, are regarded as a masterpiece of composition, inasmuch as, while very strong, they did not fail in courtesy toward the Turkish Government. There was a great pressure to have the independence of Crete acknowledged, especially by the Greek Legation, and by friends of the Cretans in Massachusetts; but Mr. Sumner took the ground that independence was a fact to be determined by evidence, and that, whatever might be the opinion of individuals with regard to the future result, there was no official evidence showing that independence was yet established."

[1] Statutes at Large, Vol. XV. pp. 263, 264.

PRIVILEGES OF DEBATE IN THE SENATE ON OFFICERS LIABLE TO IMPEACHMENT.

RESOLUTIONS IN THE SENATE, JULY 20, 1867.

THE misconduct of the President, and his obstruction of important legislation, naturally aroused judgment and indignation. The question was then raised with regard to the privileges of the Senate. July 20th, in the debate on adjournment, Mr. Fessenden, of Maine, said: "The time has come, undoubtedly, when there is a very serious difference of opinion in Congress upon a very important question. With regard to the Senate, I have considered that upon that question it was not proper for a Senator to express an opinion, or even, if he could avoid it, to form an opinion." Mr. Sumner never doubted the complete immunity of the Senate, and its duty to consider these things in advance of impeachment, and he spoke accordingly. On the day of Mr. Fessenden's remarks he offered the following resolutions, which were ordered to be printed.

RESOLUTIONS declaring the privileges of debate in the Senate with regard to civil officers liable to impeachment.

WHEREAS it has been asserted that the conduct of a civil officer liable to impeachment cannot be freely considered and condemned by Senators in the course of legislative proceedings;

And whereas such an opinion is calculated to impair the just privileges of debate: Therefore,

Resolved, That the Constitution, in providing for the impeachment of "all civil officers" of the National Government, embracing the President, members of the

Cabinet, diplomatic representatives, and other civil functionaries, did not intend to limit debate in the Senate on the conduct of any civil officer, so far as the same may arise in legislative proceedings; that any other interpretation is inconsistent with the privileges of the Senate, and tends directly to shield misconduct in civil office.

Resolved, That the Constitution expressly declares, that, when sitting to try an impeachment, the Senate "shall be on oath or affirmation," thus superadding a judicial oath to that already taken as Senator; that from the taking of this oath the judicial character of the Senate begins, and until then each Senator is free to express himself openly on the conduct of any civil officer, and thereupon to invite the judgment of the Senate and the country; that at times this may be a duty, and is always a sacred right, which cannot be renounced or abridged.[1]

[1] The character of the Senate as a court of impeachment was discussed by Mr. Sumner in his Opinion on the Impeachment of President Johnson.

END OF VOLUME XI.